

[Fifth Reprint]
ASSEMBLY, No. 3352

STATE OF NEW JERSEY
215th LEGISLATURE

INTRODUCED OCTOBER 11, 2012

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Turner, Assemblyman Ciattarelli, Assemblywoman Jimenez and
Assemblyman Space**

SYNOPSIS

The “Human Trafficking Prevention, Protection, and Treatment Act.”

CURRENT VERSION OF TEXT

As amended by the Senate on March 18, 2013.

(Sponsorship Updated As Of: 3/22/2013)

1 AN ACT concerning human trafficking and designated the “Human
2 Trafficking Prevention, Protection, and Treatment Act,” and
3 amending and supplementing various parts of the statutory law.
4

5 **BE IT ENACTED** *by the Senate and General Assembly of the State*
6 *of New Jersey:*
7

8 1. (New section) a. (1) There is hereby created, in the
9 ²Division of Criminal Justice in the² Department of Law and
10 Public Safety, a commission to be known as the Commission on
11 Human Trafficking, consisting of 15 members as follows: the
12 Attorney General, or his designee; the Commissioner of Children
13 and Families, or his designee; the Commissioner of Human
14 Services, or his designee; ¹a county prosecutor, appointed by the
15 Governor based upon the recommendation of the County
16 Prosecutors Association of the State of New Jersey;¹ one member of
17 the New Jersey Human Trafficking Task Force established within
18 the Department of Law and Public Safety, designated by the
19 Attorney General; two public members appointed by the Governor
20 based upon the recommendation of the Senate President, one
21 representing law enforcement and one representing a victim’s
22 assistance organization; one public member appointed by the
23 Governor based upon the recommendation of the Senate Minority
24 Leader representing either a non-profit health care facility or mental
25 health services; two public members appointed by the Governor
26 based upon the recommendation of the Speaker of the General
27 Assembly, one representing law enforcement and one representing a
28 victim’s assistance organization; one public member appointed by
29 the Governor based upon the recommendation of the Assembly
30 Minority Leader representing either a non-profit health care facility
31 or mental health services; and ¹**“five”** four¹ public members
32 appointed by the Governor, one of whom shall be a representative
33 of ³**“the National Center for Missing and Exploited Children”** a
34 child advocacy organization concerning missing, abducted, or
35 exploited children, and one of whom shall be a human trafficking
36 survivor³. All public members shall ³have experience with,³
37 possess a background in, or ³**“have”** demonstrate a³ specialized
38 knowledge of, the legal, policy, educational, social, or
39 psychological aspects of human trafficking.

40 b. (1) Of the public members first appointed:

41 (a) the following shall serve for a term of three years: one

EXPLANATION – Matter enclosed in bold-faced brackets **“thus”** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AJU committee amendments adopted October 15, 2012.

²Assembly AAP committee amendments adopted December 13, 2012.

³Assembly floor amendments adopted January 28, 2013.

⁴Senate SBA committee amendments adopted March 4, 2013.

⁵Senate floor amendments adopted March 18, 2013.

1 member appointed upon the recommendation of the Senate
2 President; one member appointed upon the recommendation of the
3 Speaker of the General Assembly; and ¹~~three~~ two¹ members
4 appointed by the Governor; and

5 (b) the following shall serve for a term of two years: one member
6 appointed upon the recommendation of the Senate President; one
7 member appointed upon the recommendation of the Speaker of the
8 General Assembly; each member appointed ²~~by~~ upon the
9 recommendation of² the Senate and Assembly Minority Leaders;
10 and two members appointed by the Governor.

11 (c) Upon the conclusion of the initial terms, each public member
12 shall be appointed for a term of three years.

13 (2) Each member appointed shall hold office for the term of
14 appointment and until a successor shall have been appointed and
15 qualified.

16 (3) Any vacancy in the membership of the commission shall be
17 filled by appointment in the same manner as the original
18 appointment was made.

19 c. (1) The commission shall organize upon the appointment of
20 a majority of its authorized membership. The members shall elect
21 one of the members to serve as chair and vice-chair, and the chair
22 may appoint a secretary, who need not be a member of the
23 commission.

24 (2) The commission shall meet at those times and places within
25 the State of New Jersey as the commission shall determine. A
26 majority of the commission's authorized membership shall
27 constitute a quorum for the transaction of any business, for the
28 performance of any duty, or for the exercise of any power of the
29 commission.

30 d. The members of the commission shall serve without
31 compensation, but shall be eligible for reimbursement for necessary
32 and reasonable expenses incurred in the performance of their
33 official duties within the limits of funds appropriated or otherwise
34 made available to the commission for its purposes.

35 e. The ²~~commission~~ shall be entitled to accept the assistance
36 and services of the employees of any State, county, or municipal
37 department, board, bureau, commission, or agency as may be made
38 available to it and to employ Division of Criminal Justice in the
39 Department of Law and Public Safety shall, at the direction of the
40 Attorney General, provide² legal, stenographic, technical, ²~~and~~²
41 clerical ², and other staff and resource² assistance ²to the
42 commission,² and ²additionally the commission may² incur
43 expenses as may be necessary in order to perform its duties within
44 the limits of funds appropriated or otherwise made available to it
45 for its purposes.

46 f. It shall be the duty of the commission to:

47 (1) Evaluate the existing law concerning human trafficking and

1 the enforcement thereof, and to make recommendations for
2 legislation, if appropriate;

3 (2) Review existing victim assistance programs and analyze the
4 costs, organization, and availability of these services for victims of
5 human trafficking and to make recommendations for legislation, if
6 appropriate;

7 (3) Promote a coordinated response by public and private
8 resources for victims of human trafficking; ²and²

9 (4) Develop mechanisms to promote public awareness of human
10 trafficking ¹, including ³~~the~~³ promotion of ³~~a~~³ the national,³
11 24-hour toll-free hotline telephone service on human trafficking
12 ³~~established~~³ described³ under section ²~~16~~² 18² of P.L. _____,
13 c. (C. _____) (pending before the Legislature as this bill)¹ ²~~;~~², and
14 the promotion of training courses and other educational materials
15 for use by persons required under section 19 of P.L. _____,
16 c. (C. _____) (pending before the Legislature as this bill) to undergo
17 training on the handling of and response procedures for suspected
18 human trafficking activities.² ¹~~and~~¹

19 ²~~[(5) ¹Develop, maintain, revise, and distribute, in accordance~~
20 with the provisions of section 17 of P.L. _____, c. (C. _____) (pending
21 before the Legislature as this bill), training course and other
22 educational materials for use by persons required to undergo
23 training on the handling of and response procedures for suspected
24 human trafficking activities;

25 (6)¹ Administer and make expenditures from the “Human
26 Trafficking Survivor’s Assistance Fund” established under section 2
27 of P.L. _____, c. (C. _____), for the provision of services to victims of
28 human trafficking, to promote awareness of human trafficking,
29 ¹~~and~~¹ the development, establishment, operation, and
30 maintenance of the “John School Diversion Program” created
31 pursuant to section 10 of P.L. _____, c. (C. _____) (pending before the
32 Legislature as this bill) ¹, and the development, maintenance,
33 revision, and distribution of training course and other educational
34 materials in accordance with section 17 of P.L. _____, c. (C. _____)
35 (pending before the Legislature as this bill)¹.

36 The commission shall adopt, pursuant to the “Administrative
37 Procedure Act,” P.L.1968, c.410 (C.52:14B-1 et seq.), rules and
38 regulations necessary to implement the duties and purposes of the
39 commission provided in this section.²

40 g. The commission shall report annually to the Governor and
41 to the Legislature, pursuant to section 2 of P.L.1991, c.164
42 (C.52:14-19.1), its activities, as well as its findings and
43 recommendations for any needed new services or resources for
44 victims of human trafficking, and any proposed changes to the
45 current law concerning human trafficking.

1 2. (New section) ²a.² There is established the “Human
 2 Trafficking Survivor’s Assistance Fund” as a separate, non-lapsing,
 3 dedicated fund in the General Fund, which shall be administered by
 4 the ²【Commission on Human Trafficking created by section 1 of
 5 P.L. , c. (C.) (pending before the Legislature as this bill)】
 6 Attorney General². All monies deposited in the fund pursuant
 7 to P.L. , c. (C.) (pending before the Legislature as this bill),
 8 any other enactment, or as otherwise provided from any public or
 9 private source shall be used for the provision of services to victims
 10 of human trafficking, to promote awareness of human trafficking,
 11 ¹【and】¹ ²【the development, establishment, operation, and
 12 maintenance of the “John School Diversion Program” created
 13 pursuant to section 10 of P.L. , c. (C.) (pending before the
 14 Legislature as this bill),】² ¹and the development, maintenance,
 15 revision, and distribution of training course and other educational
 16 materials ³, and the operation of educational or training programs,³
 17 in accordance with ²【section 17】 sections 11 and 19² of P.L. ,
 18 c. (C.) (pending before the Legislature as this bill) ²【, ¹】. All
 19 expenditures from the fund shall be made by the Attorney General,
 20 in consultation with the Commission on Human Trafficking
 21 established by section 1 of P.L. , c. (C.) (pending before
 22 the Legislature as this bill),² and done so in accordance with rules
 23 and regulations promulgated by the ²【commission pursuant to
 24 subsection f. of section 1 of P.L. , c. (C.) (pending before
 25 the Legislature as this bill)】 Attorney General² and other applicable
 26 law.

27 ²b. Receipt of expenditures from the fund ³by any provider of
 28 services to victims of human trafficking³ shall not be based or
 29 otherwise conditioned upon the previous, present, or future
 30 cooperation of the recipient regarding any law enforcement
 31 investigation or prosecution, or lack thereof.²

32
 33 3. Section 1 of P.L.2005, c.77 (C.2C:13-8) is amended to read
 34 as follows:

35 1. Human trafficking. a. A person commits the crime of human
 36 trafficking if he:

37 (1) knowingly holds, recruits, lures, entices, harbors, transports,
 38 provides or obtains, by any means, another, to engage in sexual
 39 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-
 40 1 or to provide labor or services:

41 (a) by ³【threats or incidents of】 causing or threatening to cause³
 42 serious bodily harm 【or】 ³【,】 or³ physical restraint ³【, or
 43 abduction】³ against the person or any other person;

44 (b) by means of any scheme, ³【fraud, deceit or other
 45 deception.】³ plan, or pattern intended to cause the person to believe

1 that the person or any other person would suffer serious bodily
2 harm or physical restraint;

3 (c) by committing a violation of N.J.S.2C:13-5 ³involving
4 coercion³ against the person; **[or]**³

5 (d) by destroying, concealing, removing, confiscating, or
6 possessing any passport, immigration-related document as defined
7 in section 1 of P.L.1997, c.1 (C.2C:21-31), or other document
8 issued by a governmental agency to any person which could be used
9 as a means of verifying the person's identity or age or any other
10 personal identifying information; **[or]**³

11 (e) by means of the abuse ³of power³ or threatened abuse
12 ³of power³ of the law or legal process; **[or]**³

13 (f) by means of fraud, deceit, or misrepresentation against the
14 person; or

15 (g) by facilitating access to a controlled dangerous substance or
16 controlled substance analog as set forth in chapter 35 of Title 2C of
17 the New Jersey Statutes; or³

18 (2) receives anything of value from participation as an
19 organizer, supervisor, financier or manager in a scheme or course of
20 conduct which violates paragraph (1) of this subsection; or

21 (3) ³as a licensed owner or driver of an autocab, limousine,
22 autobus, or any other passenger automobile as defined in R.S.39:1-1
23 that is subject to regulation under chapter 16 of Title 48 of the
24 Revised Statutes, ¹**[negligently]** recklessly¹ participates in the
25 transportation of another which violates paragraph (1) or (2) of this
26 subsection; or

27 (4) otherwise being a professionally licensed person,
28 ¹**[negligently]** recklessly¹ permits an act of human trafficking
29 described in paragraph (1) or (2) of this subsection, on, within, or
30 using the person's property or services. For purposes of this
31 paragraph, "professionally licensed person" means any person
32 required by law to obtain, from a governmental department, agency,
33 board, or commission of the State or any political subdivision of the
34 State, a license, permit, certificate, approval, registration, charter, or
35 similar form of business or professional authorization in order to
36 operate a business or as a professional in this State.

37 ²With respect to the amendatory provisions set forth in this
38 subsection by the enactment of P.L. _____, c. (C. _____) (pending
39 before the Legislature as this bill), in addition to these provisions
40 only being applicable to criminal acts of human trafficking
41 occurring on or after the effective date for these amendatory
42 provisions, consistent with constitutional and statutory principles
43 governing application of the Criminal Code, the provisions set forth
44 in this subsection immediately prior to the enactment of P.L. _____,
45 c. (C. _____) (pending before the Legislature as this bill), as then
46 interpreted and applied by law enforcement officers, prosecutors,
47 and the courts, shall continue to be interpreted and applied by law

1 enforcement officers, prosecutors, and the courts with respect to
2 any prosecution for a criminal act of human trafficking that
3 occurred prior to the enactment of P.L. , c. (C.) (pending
4 before the Legislature as this bill), without regard, reference, or
5 comparison to the amendatory provisions set forth in this
6 subsection.²】 knowingly holds, recruits, lures, entices, harbors,
7 transports, provides or obtains, by any means, a child under 18
8 years of age, to engage in sexual activity as defined in paragraph (2)
9 of subsection a. of N.J.S.2C:34-1, whether or not the actor
10 mistakenly believed that the child was 18 years of age or older,
11 even if that mistaken belief was reasonable.³

12 b. An offense under this section constitutes a crime of the first
13 degree ³【, except that an offense under paragraph (3) or (4) of
14 subsection a. of this section concerning criminal ¹【negligence】
15 recklessness¹ constitutes a crime of the fourth degree】³.

16 c. It is an affirmative defense to prosecution for a violation of
17 this section that, during the time of the alleged commission of the
18 offense of human trafficking created by this section, the defendant
19 was a victim of human trafficking.

20 d. ³【(1)】³ Notwithstanding the provisions of N.J.S.2C:43-6,
21 the term of imprisonment imposed for a crime of the first degree
22 under paragraph (2) ³or (3)³ of subsection a. of this section shall be
23 either a term of 20 years during which the actor shall not be eligible
24 for parole, or a specific term between 20 years and life
25 imprisonment, of which the actor shall serve 20 years before being
26 eligible for parole. Notwithstanding the provisions of N.J.S.2C:43-
27 3, the ²sentence for a conviction for a crime of the first degree
28 under this section shall include a² fine ²【imposed for a crime of the
29 first degree under this section shall be a fine of at least】 in an
30 amount of not less than² \$25,000, which shall be collected as
31 provided for the collection of fines and restitutions in section 3 of
32 P.L.1979, c.396 (C.2C:46-4) and forwarded to the Department of
33 the Treasury to be deposited in the “Human Trafficking Survivor’s
34 Assistance Fund” established by section 2 of P.L. , c. (C.)
35 (pending before the Legislature as this bill).

36 ³【(2) Notwithstanding the provisions of N.J.S.2C:43-3, the fine
37 imposed for a crime of the fourth degree under paragraph (3) or (4)
38 of subsection a. of this section concerning criminal ¹【negligence】
39 recklessness¹ shall be a fine of up to \$25,000, which shall be
40 collected as provided for the collection of fines and restitutions in
41 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the
42 Department of the Treasury to be deposited in the “Human
43 Trafficking Survivor’s Assistance Fund” established by section 2 of
44 P.L. , c. (C.) (pending before the Legislature as this bill).
45 Additionally, upon conviction for this crime, the court shall revoke
46 any license, permit, certificate, approval, registration, charter, or
47 similar form of business or professional authorization required by

1 law concerning the operation of that person's business or
 2 profession.】³

3 e. In addition to any other disposition authorized by law, any
 4 person who violates the provisions of this section ³【, other than a
 5 violation of paragraph (3) or (4) of subsection a. of this section
 6 concerning criminal ¹【negligence】 recklessness¹.】³ shall be
 7 ²【sentenced】 ordered² to make restitution to any victim. The court
 8 shall award to the victim restitution which is the greater of:

9 (1) the gross income or value to the defendant of the victim's
 10 labor or services; or

11 (2) the value of the victim's labor or services as determined by
 12 the "New Jersey Prevailing Wage Act," P.L.1963, c.150 (C.34:11-
 13 56.25 et seq.), the "New Jersey State Wage and Hour Law,"
 14 P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal Farm Labor
 15 Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws concerning the
 16 regulation of child labor in chapter 2 of Title 34 of the Revised
 17 Statutes, or any other applicable State law, and the "Fair Labor
 18 Standards Act of 1938," 29 U.S.C. s.201 et seq., or any other
 19 applicable federal law.

20 (cf: P.L.2005, c.77, s.1)

21

22 4. (New section) a. Any person injured, including ²injury² due
 23 to the loss of moneys or property, real or personal, ³【as a result of a
 24 violation of the】 by an actor and all those acting in concert with that
 25 actor who committed a³ human trafficking ³【provisions set forth】
 26 offense³ in ³violation of³ section 1 of P.L.2005, c.77 (C.2C:13-8)
 27 ³or section 5 of P.L. , c. (C.) (pending before the
 28 Legislature as this bill)³ may bring a civil action in any court of
 29 competent jurisdiction ³against the actor and all those acting in
 30 concern with that actor³. A civil action brought under this section
 31 shall not preclude the application of any other civil, administrative,
 32 or criminal remedy under any other provision of law.

33 b. (1) The standard of proof in a civil action brought pursuant
 34 to this section is a preponderance of the evidence, and the fact that a
 35 prosecution ³【for human trafficking under section 1 of P.L.2005,
 36 c.77 (C.2C:13-8)】 against the offending actor³ is not instituted or,
 37 whenever instituted, terminates without a conviction, shall not
 38 preclude a civil action.

39 (2) A final judgment rendered in favor of the State in any
 40 criminal proceeding shall estop the defendant from denying the
 41 same conduct in any civil action brought pursuant to this section.

42 c. In any civil action brought pursuant to this section, the court
 43 shall, in addition to any other appropriate legal or equitable relief,
 44 ²including damages for pain and suffering, recovery of reasonable
 45 costs for necessary medical, dental, and psychological services and

1 punitive damages.² award damages in an amount that is the greater
2 of:

3 (1) the gross income or value to the defendant of the injured
4 party's labor or services; or

5 (2) the value of the injured party's labor or services as
6 determined by the "New Jersey Prevailing Wage Act," P.L.1963,
7 c.150 (C.34:11-56.25 et seq.), the "New Jersey State Wage and
8 Hour Law," P.L.1966, c.113 (C.34:11-56a et seq.), the Seasonal
9 Farm Labor Act, P.L.1945, c.71 (C.34:9A-1 et seq.), the laws
10 concerning the regulation of child labor in chapter 2 of Title 34 of
11 the Revised Statutes, or any other applicable State law, and the
12 "Fair Labor Standards Act of 1938," 29 U.S.C. s.201 et seq., or any
13 other applicable federal law.

14 ²d. In addition to any damages, penalty, injunction, or other
15 appropriate relief awarded in an action brought pursuant to this
16 section, the court may award to the injured person bringing suit
17 reasonable attorney's fees and costs.²
18

19 ³[5. (New section) a. (1) A person who knowingly owns,
20 controls, manages, supervises, or otherwise keeps, alone or in
21 association with another, any premises where human trafficking is
22 regularly carried on is guilty of a crime of the first degree.

23 (2) A person who knowingly leases or otherwise permits any
24 premises controlled by the actor, alone or in association with others,
25 to be regularly used for human trafficking, or fails to make a
26 reasonable effort to abate this use by ejecting the tenant, notifying
27 law enforcement authorities, or employing other legally available
28 means, is guilty of a crime of the first degree.

29 (3) As used in this section "premises" includes, but is not limited
30 to, any residence, apartment, hotel, motel, inn, rooming house,
31 boarding house, or other establishment for lodging.

32 b. Notwithstanding the provisions of N.J.S.2C:43-3, the fine
33 imposed for an offense under this section shall be a fine of at least
34 \$25,000, which shall be collected as provided for the collection of
35 fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)
36 and forwarded to the Department of the Treasury to be deposited in
37 the "Human Trafficking Survivor's Assistance Fund" established by
38 section 2 of P.L. , c. (C.) (pending before the Legislature as
39 this bill).} ³
40

41 ³[²6.] ⁵3 (New section) a. A person commits a crime of the
42 second degree if he:

43 (1) provides services, resources, or assistance with the
44 knowledge that the services, resources, or assistance are intended to
45 be used in furtherance of the commission of the crime of human
46 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8).

1 ³(a)³ For purposes of this paragraph, “services, resources, or
2 assistance” shall include financial support, business services,
3 lodging, transportation, the provision of false documentation or
4 identification, equipment, facilities, or any other service or property
5 with a pecuniary value that exceeds \$200, whether or not a person is
6 compensated for the services, resources, or assistance, but shall not
7 include humanitarian or charitable aid or services provided directly
8 to a victim of human trafficking ³.

9 (b) For purposes of this paragraph, the requisite knowledge that
10 services, resources, or assistance are intended to be used in
11 furtherance of the commission of the crime of human trafficking
12 may be inferred if the defendant was aware that a person to whom
13 the defendant was providing services, resources, or assistance: (i)
14 was subject to or subjected another to restrictions on the person’s
15 freedom of movement, so that the person could not leave without
16 accompaniment of another person or was otherwise subjected to
17 obvious restrictions on mobility; or (ii) did not possess or have
18 access to any means of communication, including but not limited to
19 a cellular or other wireless telephone or other electronic
20 communication device, and was not permitted or was otherwise
21 unable to communicate with another person without supervision or
22 permission³; or

23 (2) procures or attempts to procure a person to engage in sexual
24 activity as defined in paragraph (2) of subsection a. of N.J.S.2C:34-
25 1, or to provide labor or services, whether for himself or another
26 person, knowing that the person provided or to be provided was a
27 victim of human trafficking, or under circumstances in which a
28 reasonable person would conclude that there was a substantial
29 likelihood that the person was a victim of human trafficking.

30 ³(a) For purposes of this paragraph, there shall be a rebuttable
31 presumption that the defendant knew, and that a reasonable person
32 would conclude there was a substantial likelihood, that a person was
33 a victim of human trafficking if the person: (i) could not leave the
34 premises where the person provided labor or services without
35 accompaniment of another person or was otherwise subjected to
36 significant restrictions on the person’s freedom of movement; or (ii)
37 did not possess or have access to any means of communication,
38 including but not limited to a cellular or other wireless telephone or
39 other electronic communication device, and was not permitted or
40 was otherwise unable to communicate with another person without
41 supervision or permission.

42 (b)³ For the purposes of this paragraph, there shall be a
43 rebuttable presumption that: ³[(a)] (i)³ a person knew that a child
44 under the age of 18 years of age procured to engage in sexual
45 activity or for whom attempts were made to procure for that activity
46 was a victim of human trafficking; and ³[(b)] (ii)³ a reasonable
47 person would conclude that there was a substantial likelihood that a

1 child under the age of 18 years of age procured to engage in sexual
2 activity or for whom attempts were made to procure for that activity
3 was a victim of human trafficking.

4 b. (1) It is an affirmative defense to prosecution for a violation of
5 this section that, during the time of the alleged commission of the
6 crime, the defendant was a victim of human trafficking.

7 (2) There shall be a rebuttable presumption that a child under the
8 age of 18 years of age charged with a violation of this section was a
9 victim of human trafficking.

10 c. (1) Notwithstanding any provision of law to the contrary, a
11 person convicted for a violation of this section shall be sentenced to
12 a term of imprisonment, which shall include a period of parole
13 ineligibility of one-third to one-half of the term of imprisonment
14 imposed or three years, whichever is greater. Notwithstanding the
15 provisions of N.J.S.2C:43-3, the sentence for a conviction under
16 this section shall include a fine in an amount of not less than
17 \$15,000, which shall be collected as provided for the collection of
18 finances and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4)
19 and forwarded to the Department of the Treasury to be deposited in
20 the "Human Trafficking Survivor's Assistance Fund" established by
21 section 2 of P.L. , c. (C.) (pending before the Legislature as
22 this bill).

23 (2) Additionally, upon a finding of guilt or entry of a guilty plea
24 for a crime described under this section, the court shall direct any
25 issuing State, county, or municipal governmental agency to revoke
26 any license, permit, certificate, approval, registration, charter, or
27 similar form of business or professional authorization required by
28 law concerning the operation of that person's business or
29 profession, if that business or profession was used in the course of
30 the crime.

31 d. Nothing in this section shall be construed to preclude, or limit
32 in any way, the prosecution and conviction for any other offense,
33 including prosecution and conviction pursuant to section 1 of
34 P.L.2005, c.77 (C.2C:13-8), human trafficking, N.J.S.2C:34-1,
35 prostitution and related offenses, and N.J.S.2C:2-6, liability for
36 another's conduct.²

37
38 ³6. N.J.S.2C:5-4 is amended to read as follows:

39 2C:5-4. Grading of Criminal Attempt and Conspiracy; Mitigation
40 in Cases of Lesser Danger. a. Grading. Except as provided in
41 subsections c. **and** d., and e., an attempt or conspiracy to commit
42 a crime of the first degree is a crime of the second degree; except
43 that an attempt or conspiracy to commit murder or terrorism is a
44 crime of the first degree, provided, however, that if the person
45 attempted or conspired to murder five or more persons, the person
46 shall be sentenced by the court to a term of 30 years, during which
47 the person shall not be eligible for parole, or to a specific term of
48 years which shall be between 30 years and life imprisonment, of

1 which the person shall serve not less than 30 years before eligibility
2 for parole. Otherwise an attempt is a crime of the same degree as
3 the most serious crime which is attempted, and conspiracy is a
4 crime of the same degree as the most serious crime which is the
5 object of the conspiracy; provided that, leader of organized crime is
6 a crime of the second degree. An attempt or conspiracy to commit
7 an offense defined by a statute outside the code shall be graded as a
8 crime of the same degree as the offense is graded pursuant to
9 N.J.S.2C:1-4 and N.J.S.2C:43-1.

10 b. Mitigation. The court may impose sentence for a crime of a
11 lower grade or degree if neither the particular conduct charged nor
12 the defendant presents a public danger warranting the grading
13 provided for such crime under subsection a. because:

14 (1) The criminal attempt or conspiracy charged is so inherently
15 unlikely to result or culminate in the commission of a crime; or

16 (2) The conspiracy, as to the particular defendant charged, is so
17 peripherally related to the main unlawful enterprise.

18 c. Notwithstanding the provisions of subsection a. of this
19 section, conspiracy to commit a crime set forth in subsection a., b.,
20 or d. of N.J.S.2C:17-1 where the structure which was the target of
21 the crime was a church, synagogue, temple or other place of public
22 worship is a crime of the first degree.

23 d. Notwithstanding the provisions of subsection a. of this
24 section, conspiracy to commit a crime as set forth in P.L.1994,
25 c.121 (C.2C:21-23 et seq.) is a crime of the same degree as the most
26 serious crime that was conspired to be committed.

27 e. Notwithstanding the provisions of subsection a. of this
28 section, conspiracy to commit a crime of human trafficking as set
29 forth in section 1 of P.L.2005, c.77 (C.2C:13-8) is a crime of the
30 first degree.³

31 (cf: P.L.2002, c.26, s.9)

32
33 ²[6.] ^{7.}² Section 2 of P.L.1974, c.49 (C.2A:18-61.1) is amended
34 to read as follows:

35 2. No lessee or tenant or the assigns, under-tenants or legal
36 representatives of such lessee or tenant may be removed by the
37 Superior Court from any house, building, mobile home or land in a
38 mobile home park or tenement leased for residential purposes, other
39 than (1) owner-occupied premises with not more than two rental
40 units or a hotel, motel or other guest house or part thereof rented to
41 a transient guest or seasonal tenant; (2) a dwelling unit which is
42 held in trust on behalf of a member of the immediate family of the
43 person or persons establishing the trust, provided that the member
44 of the immediate family on whose behalf the trust is established
45 permanently occupies the unit; and (3) a dwelling unit which is
46 permanently occupied by a member of the immediate family of the
47 owner of that unit, provided, however, that exception (2) or (3) shall
48 apply only in cases in which the member of the immediate family

1 has a developmental disability, except upon establishment of one of
2 the following grounds as good cause:

3 a. The person fails to pay rent due and owing under the lease
4 whether the same be oral or written; provided that, for the purposes
5 of this section, any portion of rent unpaid by a tenant to a landlord
6 but utilized by the tenant to continue utility service to the rental
7 premises after receiving notice from an electric, gas, water or sewer
8 public utility that such service was in danger of discontinuance
9 based on nonpayment by the landlord, shall not be deemed to be
10 unpaid rent.

11 b. The person has continued to be, after written notice to cease,
12 so disorderly as to destroy the peace and quiet of the occupants or
13 other tenants living in said house or neighborhood.

14 c. The person has willfully or by reason of gross negligence
15 caused or allowed destruction, damage or injury to the premises.

16 d. The person has continued, after written notice to cease, to
17 substantially violate or breach any of the landlord's rules and
18 regulations governing said premises, provided such rules and
19 regulations are reasonable and have been accepted in writing by the
20 tenant or made a part of the lease at the beginning of the lease term.

21 e. (1) The person has continued, after written notice to cease,
22 to substantially violate or breach any of the covenants or
23 agreements contained in the lease for the premises where a right of
24 reentry is reserved to the landlord in the lease for a violation of such
25 covenant or agreement, provided that such covenant or agreement is
26 reasonable and was contained in the lease at the beginning of the
27 lease term.

28 (2) In public housing under the control of a public housing
29 authority or redevelopment agency, the person has substantially
30 violated or breached any of the covenants or agreements contained
31 in the lease for the premises pertaining to illegal uses of controlled
32 dangerous substances, or other illegal activities, whether or not a
33 right of reentry is reserved to the landlord in the lease for a
34 violation of such covenant or agreement, provided that such
35 covenant or agreement conforms to federal guidelines regarding
36 such lease provisions and was contained in the lease at the
37 beginning of the lease term.

38 f. The person has failed to pay rent after a valid notice to quit
39 and notice of increase of said rent, provided the increase in rent is
40 not unconscionable and complies with any and all other laws or
41 municipal ordinances governing rent increases.

42 g. The landlord or owner (1) seeks to permanently board up or
43 demolish the premises because he has been cited by local or State
44 housing inspectors for substantial violations affecting the health and
45 safety of tenants and it is economically unfeasible for the owner to
46 eliminate the violations; (2) seeks to comply with local or State
47 housing inspectors who have cited him for substantial violations
48 affecting the health and safety of tenants and it is unfeasible to so

1 comply without removing the tenant; simultaneously with service of
2 notice of eviction pursuant to this clause, the landlord shall notify
3 the Department of Community Affairs of the intention to institute
4 proceedings and shall provide the department with such other
5 information as it may require pursuant to rules and regulations. The
6 department shall inform all parties and the court of its view with
7 respect to the feasibility of compliance without removal of the
8 tenant and may in its discretion appear and present evidence; (3)
9 seeks to correct an illegal occupancy because he has been cited by
10 local or State housing inspectors or zoning officers and it is
11 unfeasible to correct such illegal occupancy without removing the
12 tenant; or (4) is a governmental agency which seeks to permanently
13 retire the premises from the rental market pursuant to a
14 redevelopment or land clearance plan in a blighted area. In those
15 cases where the tenant is being removed for any reason specified in
16 this subsection, no warrant for possession shall be issued until
17 P.L.1967, c.79 (C.52:31B-1 et seq.) and P.L.1971, c.362 (C.20:4-1
18 et seq.) have been complied with.

19 h. The owner seeks to retire permanently the residential
20 building or the mobile home park from residential use or use as a
21 mobile home park, provided this subsection shall not apply to
22 circumstances covered under subsection g. of this section.

23 i. The landlord or owner proposes, at the termination of a
24 lease, reasonable changes of substance in the terms and conditions
25 of the lease, including specifically any change in the term thereof,
26 which the tenant, after written notice, refuses to accept; provided
27 that in cases where a tenant has received a notice of termination
28 pursuant to subsection g. of section 3 of P.L.1974, c.49 (C.2A:18-
29 61.2), or has a protected tenancy status pursuant to [section 9 of]
30 the "Senior Citizens and Disabled Protected Tenancy Act,"
31 P.L.1981, c.226 [(C.2A:18-61.30)] (C.2A:18-61.22 ²et al.²)₂ or
32 pursuant to the "Tenant Protection Act of 1992," P.L.1991, c.509
33 (C.2A:18-61.40 et al.), the landlord or owner shall have the burden
34 of proving that any change in the terms and conditions of the lease,
35 rental or regulations both is reasonable and does not substantially
36 reduce the rights and privileges to which the tenant was entitled
37 prior to the conversion.

38 j. The person, after written notice to cease, has habitually and
39 without legal justification failed to pay rent which is due and owing.

40 k. The landlord or owner of the building or mobile home park
41 is converting from the rental market to a condominium, cooperative
42 or fee simple ownership of two or more dwelling units or park sites,
43 except as hereinafter provided in subsection l. of this section.
44 Where the tenant is being removed pursuant to this subsection, no
45 warrant for possession shall be issued until this act has been
46 complied with. No action for possession shall be brought pursuant
47 to this subsection against a senior citizen tenant or disabled tenant
48 with protected tenancy status pursuant to the "Senior Citizens and

1 Disabled Protected Tenancy Act," P.L.1981, c.226 (C.2A:18-61.22
2 et al.), or against a qualified tenant under the "Tenant Protection
3 Act of 1992," P.L.1991, c.509 (C.2A:18-61.40 et al.), as long as the
4 agency has not terminated the protected tenancy status or the
5 protected tenancy period has not expired.

6 1. (1) The owner of a building or mobile home park, which is
7 constructed as or being converted to a condominium, cooperative or
8 fee simple ownership, seeks to evict a tenant or sublessee whose
9 initial tenancy began after the master deed, agreement establishing
10 the cooperative or subdivision plat was recorded, because the owner
11 has contracted to sell the unit to a buyer who seeks to personally
12 occupy it and the contract for sale calls for the unit to be vacant at
13 the time of closing. However, no action shall be brought against a
14 tenant under paragraph (1) of this subsection unless the tenant was
15 given a statement in accordance with section 6 of P.L.1975, c.311
16 (C.2A:18-61.9);

17 (2) The owner of three or less condominium or cooperative units
18 seeks to evict a tenant whose initial tenancy began by rental from an
19 owner of three or less units after the master deed or agreement
20 establishing the cooperative was recorded, because the owner seeks
21 to personally occupy the unit, or has contracted to sell the unit to a
22 buyer who seeks to personally occupy it and the contract for sale
23 calls for the unit to be vacant at the time of closing;

24 (3) The owner of a building of three residential units or less
25 seeks to personally occupy a unit, or has contracted to sell the
26 residential unit to a buyer who wishes to personally occupy it and
27 the contract for sale calls for the unit to be vacant at the time of
28 closing.

29 m. The landlord or owner conditioned the tenancy upon and in
30 consideration for the tenant's employment by the landlord or owner
31 as superintendent, janitor or in some other capacity and such
32 employment is being terminated.

33 n. The person has been convicted of or pleaded guilty to, or if a
34 juvenile, has been adjudicated delinquent on the basis of an act
35 which if committed by an adult would constitute an offense under
36 the "Comprehensive Drug Reform Act of 1987," N.J.S.2C:35-1 et
37 al., involving the use, possession, manufacture, dispensing or
38 distribution of a controlled dangerous substance, controlled
39 dangerous substance analog or drug paraphernalia within the
40 meaning of that act within or upon the leased premises or the
41 building or complex of buildings and land appurtenant thereto, or
42 the mobile home park, in which those premises are located, and has
43 not in connection with his sentence for that offense either (1)
44 successfully completed or (2) been admitted to and continued upon
45 probation while completing, a drug rehabilitation program pursuant
46 to N.J.S.2C:35-14; or, being the tenant or lessee of such leased
47 premises, knowingly harbors or harbored therein a person who has
48 been so convicted or has so pleaded, or otherwise permits or

1 permitted such a person to occupy those premises for residential
2 purposes, whether continuously or intermittently, except that this
3 subsection shall not apply to a person harboring or permitting a
4 juvenile to occupy the premises if the juvenile has been adjudicated
5 delinquent upon the basis of an act which if committed by an adult
6 would constitute the offense of use or possession under the said act.
7 No action for removal may be brought pursuant to this subsection
8 more than two years after the date of the adjudication or conviction
9 or more than two years after the person's release from incarceration
10 whichever is the later.

11 o. The person has been convicted of or pleaded guilty to, or if a
12 juvenile, has been adjudicated delinquent on the basis of an act
13 which if committed by an adult would constitute an offense under
14 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault, or terroristic
15 threats against the landlord, a member of the landlord's family or an
16 employee of the landlord; or, being the tenant or lessee of such
17 leased premises, knowingly harbors or harbored therein a person
18 who has been so convicted or has so pleaded, or otherwise permits
19 or permitted such a person to occupy those premises for residential
20 purposes, whether continuously or intermittently. No action for
21 removal may be brought pursuant to this subsection more than two
22 years after the adjudication or conviction or more than two years
23 after the person's release from incarceration whichever is the later.

24 p. The person has been found, by a preponderance of the
25 evidence, liable in a civil action for removal commenced under this
26 act for an offense under N.J.S.2C:20-1 et al. involving theft of
27 property located on the leased premises from the landlord, the
28 leased premises or other tenants residing in the leased premises, or
29 N.J.S.2C:12-1 or N.J.S.2C:12-3 involving assault or terroristic
30 threats against the landlord, a member of the landlord's family or an
31 employee of the landlord, or under the "Comprehensive Drug
32 Reform Act of 1987," N.J.S.2C:35-1 et al., involving the use,
33 possession, manufacture, dispensing or distribution of a controlled
34 dangerous substance, controlled dangerous substance analog or drug
35 paraphernalia within the meaning of that act within or upon the
36 leased premises or the building or complex of buildings and land
37 appurtenant thereto, or the mobile home park, in which those
38 premises are located, and has not in connection with his sentence
39 for that offense either (1) successfully completed or (2) been
40 admitted to and continued upon probation while completing a drug
41 rehabilitation program pursuant to N.J.S.2C:35-14; or, being the
42 tenant or lessee of such leased premises, knowingly harbors or
43 harbored therein a person who committed such an offense, or
44 otherwise permits or permitted such a person to occupy those
45 premises for residential purposes, whether continuously or
46 intermittently, except that this subsection shall not apply to a person
47 who harbors or permits a juvenile to occupy the premises if the
48 juvenile has been adjudicated delinquent upon the basis of an act

1 which if committed by an adult would constitute the offense of use
2 or possession under the said "Comprehensive Drug Reform Act of
3 1987."

4 q. The person has been convicted of or pleaded guilty to, or if a
5 juvenile, has been adjudicated delinquent on the basis of an act
6 which if committed by an adult would constitute an offense under
7 N.J.S.2C:20-1 et al. involving theft of property from the landlord,
8 the leased premises or other tenants residing in the same building or
9 complex; or, being the tenant or lessee of such leased premises,
10 knowingly harbors therein a person who has been so convicted or
11 has so pleaded, or otherwise permits such a person to occupy those
12 premises for residential purposes, whether continuously or
13 intermittently.

14 r. The person ²has been convicted of or pleaded guilty to, or
15 if a juvenile, has been adjudicated delinquent on the basis of an act
16 which if is found in a civil action, by a preponderance of the
17 evidence, to have² committed ²by an adult would constitute the
18 crime a violation² of ²the² human trafficking ²under provisions
19 set forth in² section 1 of P.L.2005, c.77 (C.2C:13-8) within or upon
20 the leased premises or the building or complex of buildings and
21 land appurtenant thereto, or the mobile home park, in which those
22 premises are located; or, being the tenant or lessee of such leased
23 premises, knowingly harbors or harbored therein a person who has
24 been ²so convicted or has so pleaded engaged in human
25 trafficking² , or otherwise permits or permitted such a person to
26 occupy those premises for residential purposes, whether
27 continuously or intermittently. No action for removal may be
28 brought pursuant to this subsection more than two years after ²the
29 date of the adjudication or conviction or more than two years after
30 the person's release from incarceration whichever is the later the
31 alleged violation has terminated. A criminal conviction or a guilty
32 plea to a crime of human trafficking under section 1 of P.L.2005,
33 c.77 (C.2C:13-8) shall be considered prima facie evidence of civil
34 liability under this subsection² .

35 For purposes of this section, (1) "developmental disability"
36 means any disability which is defined as such pursuant to section 3
37 of P.L.1977, c.82 (C.30:6D-3); (2) "member of the immediate
38 family" means a person's spouse, parent, child or sibling, or a
39 spouse, parent, child or sibling of any of them; and (3)
40 "permanently" occupies or occupied means that the occupant
41 maintains no other domicile at which the occupant votes, pays rent
42 or property taxes or at which rent or property taxes are paid on the
43 occupant's behalf.

44 (cf: P.L.2000, c.113, s.3)

45

46 ²[7.] 8.² Section 3 of P.L.1974, c.49 (C.2A:18-61.2) is amended
47 to read as follows:

1 3. No judgment of possession shall be entered for any premises
2 covered by section 2 of this act, except in the nonpayment of rent
3 under subsection a. or f. of section 2, unless the landlord has made
4 written demand and given written notice for delivery of possession
5 of the premises. The following notice shall be required:

6 a. For an action alleging disorderly conduct under subsection b.
7 of section 2, or injury to the premises under subsection c. of section
8 2, or any grounds under subsection m., n., o. **[or]** p. , q., or r. of
9 section 2, three days' notice prior to the institution of the action for
10 possession;

11 b. For an action alleging continued violation of rules and
12 regulations under subsection d. of section 2, or substantial breach of
13 covenant under subsection e. of section 2, or habitual failure to pay
14 rent, one month's notice prior to the institution of the action for
15 possession;

16 c. For an action alleging any grounds under subsection g. of
17 section 2, three months' notice prior to the institution of the action;

18 d. For an action alleging permanent retirement under
19 subsection h. of section 2, 18 months' notice prior to the institution
20 of the action and, provided that, where there is a lease in effect, no
21 action may be instituted until the lease expires;

22 e. For an action alleging refusal of acceptance of reasonable
23 lease changes under subsection i. of section 2, one month's notice
24 prior to institution of action;

25 f. For an action alleging any grounds under subsection l. of
26 section 2, two months' notice prior to the institution of the action
27 and, provided that where there is a written lease in effect no action
28 shall be instituted until the lease expires;

29 g. For an action alleging any grounds under subsection k. of
30 section 2, three years' notice prior to the institution of action, and
31 provided that where there is a written lease in effect, no action shall
32 be instituted until the lease expires;

33 h. In public housing under the control of a public housing
34 authority or redevelopment agency, for an action alleging
35 substantial breach of contract under paragraph (2) of subsection e.
36 of section 2, the period of notice required prior to the institution of
37 an action for possession shall be in accordance with federal
38 regulations pertaining to public housing leases.

39 The notice in each of the foregoing instances shall specify in
40 detail the cause of the termination of the tenancy and shall be
41 served either personally upon the tenant or lessee or such person in
42 possession by giving him a copy thereof, or by leaving a copy
43 thereof at his usual place of abode with some member of his family
44 above the age of 14 years, or by certified mail; if the certified letter
45 is not claimed, notice shall be sent by regular mail.

46 (cf: P.L.1997, c.228, s.2)

47
48 ²**[8.]** 9.² N.J.S.2C:34-1 is amended to read as follows:

1 2C:34-1. Prostitution and Related Offenses.

2 a. As used in this section:

3 (1) "Prostitution" is sexual activity with another person in
4 exchange for something of economic value, or the offer or
5 acceptance of an offer to engage in sexual activity in exchange for
6 something of economic value.

7 (2) "Sexual activity" includes, but is not limited to, sexual
8 intercourse, including genital-genital, oral-genital, anal-genital, and
9 oral-anal contact, whether between persons of the same or opposite
10 sex; masturbation; touching of the genitals, buttocks, or female
11 breasts; sadistic or masochistic abuse and other deviate sexual
12 relations.

13 (3) "House of prostitution" is any place where prostitution or
14 promotion of prostitution is regularly carried on by one person
15 under the control, management or supervision of another.

16 (4) "Promoting prostitution" is:

17 (a) Owning, controlling, managing, supervising or otherwise
18 keeping, alone or in association with another, a house of
19 prostitution or a prostitution business;

20 (b) Procuring an inmate for a house of prostitution or place in a
21 house of prostitution for one who would be an inmate;

22 (c) Encouraging, inducing, or otherwise purposely causing
23 another to become or remain a prostitute;

24 (d) Soliciting a person to patronize a prostitute;

25 (e) Procuring a prostitute for a patron;

26 (f) Transporting a person into or within this State with purpose
27 to promote that person's engaging in prostitution, or procuring or
28 paying for transportation with that purpose; or

29 (g) Knowingly leasing or otherwise permitting a place
30 controlled by the actor, alone or in association with others, to be
31 regularly used for prostitution or promotion of prostitution, or
32 failure to make a reasonable effort to abate such use by ejecting the
33 tenant, notifying law enforcement authorities, or other legally
34 available means.

35 b. A person commits an offense if:

36 (1) The actor engages in prostitution ²as a patron²;

37 (2) The actor promotes prostitution;

38 (3) The actor knowingly promotes prostitution of a child under
39 18 whether or not the actor mistakenly believed that the child was
40 18 years of age or older, even if such mistaken belief was
41 reasonable;

42 (4) The actor knowingly promotes prostitution of the actor's
43 child, ward, or any other person for whose care the actor is
44 responsible;

45 (5) The actor compels another to engage in or promote
46 prostitution;

47 (6) The actor promotes prostitution of the actor's spouse; ²[or]²

(7) The actor knowingly engages in prostitution with a person under the age of 18, or if the actor enters into or remains in a house of prostitution for the purpose of engaging in sexual activity with a child under the age of 18, or if the actor solicits or requests a child under the age of 18 to engage in sexual activity. It shall be no defense to a prosecution under this paragraph that the actor mistakenly believed that the child was 18 years of age or older, even if such mistaken belief was reasonable ²; or

(8) The actor engages in prostitution by personally offering sexual activity in exchange for something of economic value².

c. Grading of offenses under subsection b.

(1) An offense under subsection b. constitutes a crime of the ²~~second~~ first² degree if the offense falls within paragraph (3) or (4) of that subsection.

(2) An offense under subsection b. constitutes a crime of the ²~~third~~ second² degree if the offense falls within paragraph ²~~(5), (6) or~~² (7) of that subsection.

(3) ²An offense under subsection b. constitutes a crime of the third degree if the offense falls within paragraph (5) or (6) of that subsection.

(4)² An offense under paragraph (2) of subsection b. constitutes a crime of the third degree if the conduct falls within subparagraph (a), (b), ~~or~~ (c), (f), or (g) of paragraph (4) of subsection a. Otherwise the offense is a crime of the fourth degree.

²(4) ²(5) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (1) of that subsection except that a second or ²~~subsequent~~ third² conviction for such an offense constitutes a crime of the fourth degree ², and a fourth or subsequent conviction for such an offense constitutes a crime of the third degree². In addition, where a motor vehicle was used in the commission of any offense under paragraph (1) of subsection b. the court shall suspend for six months the driving privilege of any such offender who has a valid driver's license issued by this State. Upon conviction, the court shall immediately collect the offender's driver's license and shall forward it, along with a report stating the first and last day of the suspension imposed pursuant to this paragraph, to the New Jersey Motor Vehicle Commission.

²(6) An offense under subsection b. constitutes a disorderly persons offense if the offense falls within paragraph (8) of that subsection, except that a second or subsequent conviction for such an offense constitutes a crime of the fourth degree.²

d. Presumption from living off prostitutes. A person, other than the prostitute or the prostitute's minor child or other legal dependent incapable of self-support, who is supported in whole or substantial part by the proceeds of prostitution is presumed to be knowingly promoting prostitution.

1 e. It is an affirmative defense to prosecution for a violation of
2 this section that, during the time of the alleged commission of the
3 offense, the defendant was a victim of human trafficking pursuant
4 to section 1 of P.L.2005, c.77 (C.2C:13-8) or **the defendant was**
5 **under the** compelled by another to engage in sexual activity,
6 regardless of the defendant's age of 18.

7 ²f. ³(1) Any fine set forth in N.J.S.2C:43-3 that is imposed upon
8 a person by a municipal court for a conviction of a disorderly
9 persons offense under this section shall be collected,
10 notwithstanding the procedures for the collection of fines and
11 restitutions in section 3 of P.L.1979, c.396 (C.2C:46-4), by the
12 municipal court administrator and paid into the municipal treasury
13 of the municipality in which the offense was committed.

14 (2)³ In addition to any fine, fee, assessment, or penalty
15 authorized under the provisions of Title 2C of the New Jersey
16 Statutes, a person convicted of an offense of prostitution or related
17 offense under paragraph (2), (3), (4), (5), (6), or (7) of subsection b.
18 shall be assessed a penalty of at least \$10,000 but not more than
19 \$50,000, except if the offense involved promotion of the
20 prostitution of a child under the age of 18, the penalty shall be at
21 least \$25,000. All penalties provided for in this subsection,
22 collected as provided for the collection of fines and restitutions in
23 section 3 of P.L.1979, c.396 (C.2C:46-4), shall be forwarded to the
24 Department of the Treasury to be deposited in the "Human
25 Trafficking Survivor's Assistance Fund" established by section 2 of
26 P.L. , c. (C.) (pending before the Legislature as this bill).²
27 (cf: P.L.2011, c.195, s.6)

28
29 ²**9.(New section) a.** Any person who, on or after the effective
30 date of this section, is convicted and serving a sentence as provided
31 for by Title 2C of the New Jersey Statutes for engaging in
32 prostitution under paragraph (1) of subsection b. of N.J.S.2C:34-1
33 may move to have the sentence reviewed by the court on the
34 grounds that the defendant was a victim of human trafficking
35 pursuant to section 1 of P.L.2005, c.77 (C.2C:13-8).

36 b. (1) If the court finds that the sentence under review does not
37 serve the interests of justice, the court may vacate the conviction,
38 resentence the defendant, or place the defendant on probation.

39 (2) In determining whether the sentence under review serves the
40 interests of justice, the court shall consider all relevant
41 circumstances, including whether the defendant's victimization
42 constituted a significant contributing factor to the defendant's
43 criminal behavior, regardless of whether the defendant raised this
44 factor as a defense at trial in accordance with subsection e. of
45 N.J.S.2C:34-1.²

1 ²10. (New section) a. (1) A person convicted of N.J.S.2C:34-1,
2 prostitution and related offenses, or section 3 of P.L.1997, c.93
3 (C.2C:34-1.1), loitering for the purpose of engaging in prostitution,
4 or a similar local ordinance, may file an application with the
5 Superior Court in accordance with the Rules of Court to have the
6 conviction vacated at any time following entry of a judgment of
7 conviction, when the person's participation in the offense was a
8 result of having been a victim of human trafficking pursuant to
9 section 1 of P.L.2005, c.77 (C.2C:13-8) or as defined in paragraph
10 (14) of 22 U.S.C. s.7102.

11 (2) Notwithstanding any law to the contrary, the person may also
12 in the same application seek an order for the expungement of any
13 reference to the person's arrest, conviction, and any proceeding for
14 prostitution in any records in the custody of a court, or law
15 enforcement or correctional agency entitled to be served with the
16 application pursuant to subsection b. of this section.

17 b. (1) An application made under this section, together with a
18 copy of all supporting documents, shall be served pursuant to the
19 Rules of Court upon: the Attorney General; the county prosecutor of
20 the county wherein the court is located; the Superintendent of State
21 Police; the chief of police or other executive head of the police
22 department of the municipality wherein the offense was committed;
23 the chief law enforcement officer of any other law enforcement
24 agency of this State that participated in the arrest of the person; the
25 superintendent or warden of any institution in which the person was
26 confined; and, if a disposition was made in municipal court, upon
27 the judge of that court. Any of the noticed parties herein may make
28 an appearance or file a submission responding to the person's
29 application.

30 (2) The application shall be made and heard within a reasonable
31 time after the person has ceased to be a victim of human trafficking
32 or has sought services for being a victim of human trafficking,
33 whichever occurs later, subject to reasonable concerns for the safety
34 of the person, family members of the person, or other victims of
35 human trafficking that may be jeopardized by the bringing of the
36 application, or for other reasons consistent with the purposes of this
37 paragraph.

38 c. (1) The court may vacate a conviction pursuant to this section
39 if it finds by a preponderance of the evidence that the person was a
40 victim of human trafficking pursuant to section 1 of P.L.2005, c.77
41 (C.2C:13-8) or as defined in paragraph (14) of 22 U.S.C. s.7102 at
42 the time of the offense, and that the violation was a result of the
43 person having been a victim of human trafficking.

44 (2) In making a determination:

45 (a) evidence documenting the person's status as a victim of
46 human trafficking at the time of the offense from a federal, state, or
47 local governmental agency shall create a rebuttable presumption
48 that the person's participation in the offense was a result of having

1 been a victim, but shall not be required to vacate a conviction under
2 this section; and

3 (b) the court may additionally consider other evidence it deems
4 appropriate in determining whether the person was a victim of
5 human trafficking, including, but not limited to:

6 (i) certified records of federal or State court proceedings which
7 demonstrate that the defendant was a victim of a trafficker charged
8 with a human trafficking offense under section 1 of P.L.2005, c.77
9 (C.2C:13-8) or chapter 77 of Title 18 of the United States Code;

10 (ii) certified records of approval notices or law enforcement
11 certifications generated from a federal immigration proceeding
12 available to victims of human trafficking; and

13 (iii) testimony or a sworn statement from a trained professional
14 staff member of a victim services organization, an attorney, a
15 member of the clergy or a health care or other professional from
16 whom the person has sought assistance in addressing the trauma
17 associated with being a victim of human trafficking.

18 d. If the court finds, pursuant to subsection c. of this section, that
19 the person was a victim of human trafficking, it shall enter an order
20 vacating the conviction and directing that all court records be
21 revised accordingly. When the person's application also seeks an
22 order for expungement, the court order shall require that any court,
23 law enforcement and correctional agencies, and other noticed
24 parties pursuant to subsection b. of this section expunge all
25 references to the person's arrest, conviction, and related
26 proceedings for the violation of N.J.S.2C:34-1, prostitution and
27 related offenses, or section 3 of P.L.1997, c.93 (C.2C:34-1.1),
28 loitering for the purpose of engaging in prostitution, or a similar
29 local ordinance from all records in their custody that relate to the
30 vacated conviction. An expungement ordered pursuant to this
31 section shall have the same force as an expungement ordered
32 pursuant to N.J.S.2C:52-1 et seq.²

33
34 ²**[10.] 11.**² (New section) a. In addition to any other disposition
35 authorized by law, the court shall order any person convicted of ²a
36 disorderly persons offense for² engaging ²[a prostitute] in
37 prostitution as a patron² pursuant to paragraph (1) of subsection b.
38 of N.J.S.2C:34-1 to participate in the “⁵[John School ²[Diversion]
39 Rehabilitative²] Prostitution Offender⁵ Program” established
40 pursuant to subsection d. of this section ³, unless the prosecutor, by
41 motion, requests that the mandatory participation be waived, in
42 which case the court may waive the program participation required
43 by this section³.

44 b. In addition to any fine, fee, assessment, or penalty authorized
45 under the provisions of Title 2C of the New Jersey Statutes, a
46 person convicted of an offense of engaging ²[a prostitute under] in
47 prostitution as a patron pursuant to² paragraph (1) of subsection b.

1 of N.J.S.2C:34-1 shall be assessed ³, if ordered to participate in the
 2 “ ⁵**[John School Rehabilitative]** Prostitution Offender⁵ Program,”³
 3 a ³**[penalty]** fee³ of ²**[\$1,000]** \$500².

4 c. ³**[All penalties provided for in]** Each \$500 fee assessed as
 5 required by³ this section ³**[**, collected as provided for the collection
 6 of fines and restitutions in section 3 of P.L.1979, c.396 (C.2C:46-
 7 4),³ shall be ³collected by the court, and³ forwarded to the
 8 Department of the Treasury to be deposited in the “Human
 9 Trafficking Survivor’s Assistance Fund” established by section 2 of
 10 P.L. , c. (C.) (pending before the Legislature as this bill).
 11 ²**[These monies, and other monies in the fund designated by the**
 12 **Commission on Human Trafficking pursuant to section 2 of P.L. ,**
 13 **c. (C.), shall be dedicated to the development, establishment,**
 14 **operation, and maintenance of the "John School Diversion**
 15 **Program" created pursuant to subsection d. of this section.]**² ³From
 16 this fee, \$200 shall be retained in the fund, and the remaining \$300
 17 shall be distributed as follows: \$200 to the approved provider of the
 18 “ ⁵**[John School Rehabilitative]** Prostitution Offender⁵ Program,”
 19 as established under subsection d. of this section, attended by the
 20 person; and \$100 to the law enforcement agency that arrested the
 21 person resulting in that person’s conviction.³

22 d. ²(1)² There is hereby established an education program to be
 23 known as the “⁵**[John School ²**[Diversion]** Rehabilitative²]**
 24 Prostitution Offender⁵ Program,” which shall ²**[be administered by**
 25 **the Administrative Office of the Courts]** consist of an instructional
 26 program on prostitution and human trafficking schemes offered in
 27 one or more locations throughout the State ³as follows:

28 (a)³ by a county or local governmental entity, ³**[or]** if that
 29 county or local governmental entity demonstrates an interest in
 30 establishing a program, submits information pertaining to the
 31 proposed operation of an instructional program by the county or
 32 local governmental entity, or alternatively, by³ a nonprofit or other
 33 private provider ³**[**. The instructional program and each provider
 34 thereof shall be approved by the Attorney General, in consultation
 35 with the Commission on Human Trafficking created by section 1 of
 36 P.L. , c. (C.) (pending before the Legislature as this bill)²**]**
 37 on behalf of the county or local governmental entity, and the
 38 Attorney General, in consultation with the Commission on Human
 39 Trafficking created by section 1 of P.L. , c. (C.) (pending
 40 before the Legislature as this bill), approves the program and the
 41 provider thereof, if the proposed provider is a nonprofit or other
 42 private entity. If a county or local governmental entity establishes
 43 and operates an instructional program, then all courts operating
 44 within the jurisdiction of that county or local governmental entity
 45 shall order a person ⁴convicted of an eligible offense under
 46 subsection a. of this section⁴ to attend that county or local

1 governmental entity's program; ⁴provided, a court shall not be
2 required to order a person to attend that program until the first day
3 of the month next following the date on which the Attorney General
4 notifies the Administrative Office of the Courts that the program
5 has been established and approved by the Attorney General;⁴ and
6 (b) by the State, to be established within six months of the
7 effective date of this section, based upon the Attorney General, in
8 consultation with the Commission on Human Trafficking created by
9 section 1 of P.L. , c. (C.) (pending before the Legislature as
10 this bill), approving an instructional program to be provided by one
11 or more approved nonprofit or other private providers in multiple
12 locations throughout the State. Any court in a jurisdiction that does
13 not have an approved county or local governmental entity
14 instructional program as established under subparagraph (a) of this
15 paragraph shall order a person ⁴convicted of an eligible offense
16 under subsection a. of this section⁴ to attend ⁴[an] the⁴ approved
17 State program established under this subparagraph, unless there is
18 an extra-jurisdictional county or local governmental entity
19 instructional program within 25 miles of the court, and the court has
20 been notified ⁴in accordance with this subparagraph, or
21 subparagraph (a) of this paragraph,⁴ of the availability of that
22 program to accept participants from the court, in which case the
23 court may instead order a person to attend the county or local
24 governmental entity's instructional program³ ⁴; regarding any
25 program notice under this subparagraph, a court shall not be
26 required to order a person to attend a program until the first day of
27 the month next following the date on which the Attorney General
28 notifies the Administrative Office of the Courts that the program
29 has been established and approved by the Attorney General⁴ .
30 ²(2)² The program shall ²[educate defendants who have been
31 convicted of engaging a prostitute pursuant to paragraph (1) of
32 subsection b. of N.J.S.2C:34-1 about the risks involved in their
33 unlawful activity. The program shall inform the defendants of]
34 include information intended to increase the person's awareness of:
35 (a) the causes of prostitution and its relationship to human
36 trafficking;
37 (b)² the health risks connected with ²[the crime of]² prostitution,
38 including the risk of transmittable diseases ²[], the legal
39 ramifications for defendants of their unlawful activity, the terms of
40 imprisonment for subsequent offenses, and the correlation between
41 prostitution and] ;
42 (c) the consequences of convictions for prostitution or² human
43 trafficking ², including penalties for subsequent convictions; and
44 (d) the pervasiveness of human trafficking and the effects of
45 human trafficking on its victims.

(3) Pursuant to section 2 of P.L. , c. (C.) (pending before the Legislature as this bill), the Attorney General, in consultation with the Commission on Human Trafficking, may provide for the expenditures of monies from the “Human Trafficking Survivor’s Assistance Fund” to assist with the development, maintenance, revision, and distribution of instructional program ³[and counseling]³ materials for the “ ⁵[John School Rehabilitative] Prostitution Offender⁵ Program² ³,” and the operation of this instructional program³ .

²[11.] 12.² (New section) a. The Legislature finds and declares that:

(1) There reportedly are more than 12 million victims of human trafficking and it is estimated that this figure could actually be as high as 27 million;

(2) According to the National Center for Missing and Exploited Children, at least 100,000 human trafficking victims are American children who are an average age of 13 years old;

(3) Advertisements for selling the services of girls as escorts on Internet websites falsely claim that these girls are 18 years of age or older, when the girls actually are minors;

(4) The advertising of these escort services includes minors who are being sold for sex, which constitutes sex trafficking and commercial sexual abuse of minors;

(5) Responding to political and public outcry, the Internet website craigslist.com removed its escort section, but another website with an escort section, backpage.com, has to date refused to do so;

(6) The states of Washington and Connecticut recently enacted laws to require Internet websites, such as backpage.com, and the patrons who advertise on websites, to maintain documentation that they have proved the age of the escorts presented in the advertisements;

(7) The State of New Jersey criminalized human trafficking in 2005; and

(8) Sex trafficking of minors should be eliminated in conformity with federal laws prohibiting the sexual exploitation of children.

b. A person commits the offense of advertising commercial sexual abuse of a minor if:

(1) the person knowingly publishes, disseminates, or displays, or causes directly or indirectly, to be published, disseminated, or displayed, any advertisement for a commercial sex act, which is to take place in this State and which includes the depiction of a minor; or

(2) the person knowingly purchases advertising in this State for a commercial sex act which includes the depiction of a minor.

1 c. A person who commits the offense of advertising
2 commercial sexual abuse of a minor as established in subsection b.
3 of this section is guilty of a crime of the first degree.
4 Notwithstanding the provisions of N.J.S.2C:43-3, the fine imposed
5 for an offense under this section ¹**【concerning criminal**
6 **negligence】**¹ shall be a fine of at least \$25,000, which shall be
7 collected as provided for the collection of fines and restitutions in
8 section 3 of P.L.1979, c.396 (C.2C:46-4) and forwarded to the
9 Department of the Treasury to be deposited in the “Human
10 Trafficking Survivor’s Assistance Fund” established by section 2 of
11 P.L. , c. (C.) (pending before the Legislature as this bill).

12 d. Nothing in this section shall preclude an indictment and
13 conviction for any other offense defined by the laws of this State.

14 e. For the purposes of this section:

15 "Advertisement for a commercial sex act" means any
16 advertisement or offer in electronic or print media, including the
17 Internet, which includes either an explicit or implicit offer for a
18 commercial sex act to occur in this State.

19 "Commercial sex act" means any act of sexual contact or sexual
20 penetration, as defined in N.J.S.2C:14-1, or any prohibited sexual
21 act, as defined in N.J.S.2C:24-4, for which something of value is
22 given or received by any person.

23 "Depiction" means any photograph or ²**【visual or printed matter】**
24 material containing a photograph or reproduction of a photograph².

25 "Minor" means a person who is under 18 years of age.

26 “Photograph” means a print, negative, slide, digital image,
27 motion picture, or videotape, and includes anything tangible or
28 intangible produced by photographing.

29 ²**【“Visual or printed matter" means any photograph or other**
30 **material that contains a reproduction of a photograph.】**²

31 f. It shall not be a defense to a violation of this section that the
32 defendant ¹:

33 (1)¹ did not know the age of the minor depicted in the
34 advertisement ¹; or

35 (2) claims to know the age of the person depicted, unless there is
36 appropriate proof of age obtained and produced in accordance with
37 subsections g. and h. of this section¹.

38 g. It shall be a defense to a violation of this section that the
39 defendant made a reasonable, bona fide attempt to ascertain the true
40 age of the minor depicted in the advertisement by requiring, prior to
41 publication, dissemination, or display of the advertisement,
42 production of a driver's license, marriage license, birth certificate,
43 or other governmental or educational identification card or paper of
44 the minor depicted in the advertisement and did not rely solely on
45 oral or written representations of the minor's age, or the apparent
46 age of the minor as depicted. The defendant shall prove the defense
47 established ¹in¹ this subsection by a preponderance of the evidence.

1 h. The defendant shall maintain and, upon request, produce a
2 record of the identification used to verify the age of the person
3 depicted in the advertisement.
4

5 ²¶12. Section 2 of P.L.1994, c.133 (C.2C:7-2) is amended to read
6 as follows:

7 2. a. (1) A person who has been convicted, adjudicated
8 delinquent or found not guilty by reason of insanity for commission
9 of a sex offense as defined in subsection b. of this section shall
10 register as provided in subsections c. and d. of this section.

11 (2) A person who in another jurisdiction is required to register
12 as a sex offender and (a) is enrolled on a full-time or part-time basis
13 in any public or private educational institution in this State,
14 including any secondary school, trade or professional institution,
15 institution of higher education or other post-secondary school, or
16 (b) is employed or carries on a vocation in this State, on either a
17 full-time or a part-time basis, with or without compensation, for
18 more than 14 consecutive days or for an aggregate period exceeding
19 30 days in a calendar year, shall register in this State as provided in
20 subsections c. and d. of this section.

21 (3) A person who fails to register as required under this act shall
22 be guilty of a crime of the third degree.

23 b. For the purposes of this act a sex offense shall include the
24 following:

25 (1) Aggravated sexual assault, sexual assault, aggravated
26 criminal sexual contact, kidnapping pursuant to paragraph (2) of
27 subsection c. of N.J.S.2C:13-1 or an attempt to commit any of these
28 crimes if the court found that the offender's conduct was
29 characterized by a pattern of repetitive, compulsive behavior,
30 regardless of the date of the commission of the offense or the date
31 of conviction;

32 (2) A conviction, adjudication of delinquency, or acquittal by
33 reason of insanity for aggravated sexual assault; sexual assault;
34 aggravated criminal sexual contact; kidnapping pursuant to
35 paragraph (2) of subsection c. of N.J.S.2C:13-1; endangering the
36 welfare of a child by engaging in sexual conduct which would
37 impair or debauch the morals of the child pursuant to subsection a.
38 of N.J.S.2C:24-4; endangering the welfare of a child pursuant to
39 paragraph (3) or (4) or subparagraph (a) of paragraph (5) of
40 subsection b. of N.J.S.2C:24-4; luring or enticing pursuant to
41 section 1 of P.L.1993, c.291 (C.2C:13-6); criminal sexual contact
42 pursuant to N.J.S.2C:14-3b. if the victim is a minor; kidnapping
43 pursuant to N.J.S.2C:13-1, criminal restraint pursuant to
44 N.J.S.2C:13-2, or false imprisonment pursuant to N.J.S.2C:13-3 if
45 the victim is a minor and the offender is not the parent of the
46 victim; knowingly promoting prostitution of a child pursuant to
47 paragraph (3) or paragraph (4) of subsection b. of N.J.S.2C:34-1;
48 advertising commercial sexual abuse of a minor pursuant to section

1 11 of P.L. , c. (C.) (pending before the Legislature as this
2 bill); or an attempt to commit any of these enumerated offenses if
3 the conviction, adjudication of delinquency or acquittal by reason of
4 insanity is entered on or after the effective date of this act or the
5 offender is serving a sentence of incarceration, probation, parole or
6 other form of community supervision as a result of the offense or is
7 confined following acquittal by reason of insanity or as a result of
8 civil commitment on the effective date of this act;

9 (3) A conviction, adjudication of delinquency or acquittal by
10 reason of insanity for an offense similar to any offense enumerated
11 in paragraph (2) or a sentence on the basis of criteria similar to the
12 criteria set forth in paragraph (1) of this subsection entered or
13 imposed under the laws of the United States, this State or another
14 state.

15 c. A person required to register under the provisions of this act
16 shall do so on forms to be provided by the designated registering
17 agency as follows:

18 (1) A person who is required to register and who is under
19 supervision in the community on probation, parole, furlough, work
20 release, or a similar program, shall register at the time the person is
21 placed under supervision or no later than 120 days after the
22 effective date of this act, whichever is later, in accordance with
23 procedures established by the Department of Corrections, the
24 Department of Human Services, the Juvenile Justice Commission
25 established pursuant to section 2 of P.L.1995, c.284 (C.52:17B-
26 170),₂ or the Administrative Office of the Courts, whichever is
27 responsible for supervision;

28 (2) A person confined in a correctional or juvenile facility or
29 involuntarily committed who is required to register shall register
30 prior to release in accordance with procedures established by the
31 Department of Corrections, the Department of Human Services or
32 the Juvenile Justice Commission and, within 48 hours of release,
33 shall also register with the chief law enforcement officer of the
34 municipality in which the person resides or, if the municipality does
35 not have a local police force, the Superintendent of State Police;

36 (3) A person moving to or returning to this State from another
37 jurisdiction shall register with the chief law enforcement officer of
38 the municipality in which the person will reside or, if the
39 municipality does not have a local police force, the Superintendent
40 of State Police within 120 days of the effective date of this act or 10
41 days of first residing in or returning to a municipality in this State,
42 whichever is later;

43 (4) A person required to register on the basis of a conviction
44 prior to the effective date who is not confined or under supervision
45 on the effective date of this act shall register within 120 days of the
46 effective date of this act with the chief law enforcement officer of
47 the municipality in which the person will reside or, if the

1 municipality does not have a local police force, the Superintendent
2 of State Police;

3 (5) A person who in another jurisdiction is required to register
4 as a sex offender and who is enrolled on a full-time or part-time
5 basis in any public or private educational institution in this State,
6 including any secondary school, trade or professional institution,
7 institution of higher education or other post-secondary school shall,
8 within ten days of commencing attendance at such educational
9 institution, register with the chief law enforcement officer of the
10 municipality in which the educational institution is located or, if the
11 municipality does not have a local police force, the Superintendent
12 of State Police;

13 (6) A person who in another jurisdiction is required to register
14 as a sex offender and who is employed or carries on a vocation in
15 this State, on either a full-time or a part-time basis, with or without
16 compensation, for more than 14 consecutive days or for an
17 aggregate period exceeding 30 days in a calendar year, shall, within
18 ten days after commencing such employment or vocation, register
19 with the chief law enforcement officer of the municipality in which
20 the employer is located or where the vocation is carried on, as the
21 case may be, or, if the municipality does not have a local police
22 force, the Superintendent of State Police;

23 (7) In addition to any other registration requirements set forth in
24 this section, a person required to register under this act who is
25 enrolled at, employed by or carries on a vocation at an institution of
26 higher education or other post-secondary school in this State shall,
27 within ten days after commencing such attendance, employment or
28 vocation, register with the law enforcement unit of the educational
29 institution, if the institution has such a unit.

30 d. (1) Upon a change of address, a person shall notify the law
31 enforcement agency with which the person is registered and shall
32 re-register with the appropriate law enforcement agency no less
33 than 10 days before he intends to first reside at his new address.
34 Upon a change of employment or school enrollment status, a person
35 shall notify the appropriate law enforcement agency no later than
36 five days after any such change. A person who fails to notify the
37 appropriate law enforcement agency of a change of address or status
38 in accordance with this subsection is guilty of a crime of the fourth
39 degree.

40 (2) A person required to register under this act shall provide the
41 appropriate law enforcement agency with information as to whether
42 the person has routine access to or use of a computer or any other
43 device with Internet capability. A person who fails to notify the
44 appropriate law enforcement agency of such information or of a
45 change in the person's access to or use of a computer or other
46 device with Internet capability or who provides false information
47 concerning the person's access to or use of a computer or any other

1 device with Internet capability is guilty of a crime of the fourth
2 degree.

3 e. A person required to register under paragraph (1) of
4 subsection b. of this section or under paragraph (3) of subsection b.
5 due to a sentence imposed on the basis of criteria similar to the
6 criteria set forth in paragraph (1) of subsection b. shall verify his
7 address with the appropriate law enforcement agency every 90 days
8 in a manner prescribed by the Attorney General. A person required
9 to register under paragraph (2) of subsection b. of this section or
10 under paragraph (3) of subsection b. on the basis of a conviction for
11 an offense similar to an offense enumerated in paragraph (2) of
12 subsection b. shall verify his address annually in a manner
13 prescribed by the Attorney General. One year after the effective
14 date of this act, the Attorney General shall review, evaluate and, if
15 warranted, modify pursuant to the "Administrative Procedure Act,"
16 P.L.1968, c.410 (C.52:14B-1 et seq.) the verification requirement.
17 Any person who knowingly provides false information concerning
18 his place of residence or who fails to verify his address with the
19 appropriate law enforcement agency or other entity, as prescribed
20 by the Attorney General in accordance with this subsection, is
21 guilty of a crime of the fourth degree.

22 f. Except as provided in subsection g. of this section, a person
23 required to register under this act may make application to the
24 Superior Court of this State to terminate the obligation upon proof
25 that the person has not committed an offense within 15 years
26 following conviction or release from a correctional facility for any
27 term of imprisonment imposed, whichever is later, and is not likely
28 to pose a threat to the safety of others.

29 g. A person required to register under this section who has
30 been convicted of, adjudicated delinquent, or acquitted by reason of
31 insanity for more than one sex offense as defined in subsection b. of
32 this section or who has been convicted of, adjudicated delinquent,
33 or acquitted by reason of insanity for aggravated sexual assault
34 pursuant to subsection a. of N.J.S.2C:14-2 or sexual assault
35 pursuant to paragraph (1) of subsection c. of N.J.S.2C:14-2 is not
36 eligible under subsection f. of this section to make application to
37 the Superior Court of this State to terminate the registration
38 obligation.

39 (cf: P.L.2007, c.219, s.2) **1**²

40

41 13. N.J.S.2C:24-4 is amended to read as follows:

42 2C:24-4. Endangering Welfare of Children.

43 a. Any person having a legal duty for the care of a child or who
44 has assumed responsibility for the care of a child who engages in
45 sexual conduct which would impair or debauch the morals of the
46 child, or who causes the child harm that would make the child an
47 abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and
48 section 1 of P.L.1974, c.119 **1**, s.1 **1** (C.9:6-8.21) is guilty of a crime

1 of the second degree. Any other person who engages in conduct or
2 who causes harm as described in this subsection to a child under the
3 age of ²~~16~~ 18² is guilty of a crime of the third degree.

4 b. (1) As used in this subsection:

5 "Child" means any person under ²~~16~~ 18² years of age.

6 "Internet" means the international computer network of both
7 federal and non-federal interoperable packet switched data
8 networks.

9 "Prohibited sexual act" means

10 (a) Sexual intercourse; or

11 (b) Anal intercourse; or

12 (c) Masturbation; or

13 (d) Bestiality; or

14 (e) Sadism; or

15 (f) Masochism; or

16 (g) Fellatio; or

17 (h) Cunnilingus; or

18 (i) Nudity, if depicted for the purpose of sexual stimulation or
19 gratification of any person who may view such depiction; or

20 (j) Any act of sexual penetration or sexual contact as defined in
21 N.J.S.2C:14-1.

22 "Reproduction" means, but is not limited to, computer generated
23 images.

24 (2) (Deleted by amendment, P.L.2001, c.291).

25 (3) A person commits a crime of the second degree if he causes
26 or permits a child to engage in a prohibited sexual act or in the
27 simulation of such an act if the person knows, has reason to know
28 or intends that the prohibited act may be photographed, filmed,
29 reproduced, or reconstructed in any manner, including on the
30 Internet, or may be part of an exhibition or performance. If the
31 person is a parent, guardian or other person legally charged with the
32 care or custody of the child, the person shall be guilty of a crime of
33 the first degree.

34 (4) Any person who photographs or films a child in a prohibited
35 sexual act or in the simulation of such an act or who uses any
36 device, including a computer, to reproduce or reconstruct the image
37 of a child in a prohibited sexual act or in the simulation of such an
38 act is guilty of a crime of the second degree.

39 (5) (a) Any person who knowingly receives for the purpose of
40 selling or who knowingly sells, procures, manufactures, gives,
41 provides, lends, trades, mails, delivers, transfers, publishes,
42 distributes, circulates, disseminates, presents, exhibits, advertises,
43 offers or agrees to offer, through any means, including the Internet,
44 any photograph, film, videotape, computer program or file, video
45 game or any other reproduction or reconstruction which depicts a
46 child engaging in a prohibited sexual act or in the simulation of
47 such an act, is guilty of a crime of the second degree.

1 (b) Any person who knowingly possesses or knowingly views
2 any photograph, film, videotape, computer program or file, video
3 game or any other reproduction or reconstruction which depicts a
4 child engaging in a prohibited sexual act or in the simulation of
5 such an act, including on the Internet, is guilty of a crime of the
6 **【fourth】** third degree.

7 (6) For purposes of this subsection, a person who is depicted as
8 or presents the appearance of being under the age of ²**【16】** 18² in
9 any photograph, film, videotape, computer program or file, video
10 game or any other reproduction or reconstruction shall be rebuttably
11 presumed to be under the age of ²**【16】** 18². If the child who is
12 depicted as engaging in, or who is caused to engage in, a prohibited
13 sexual act or simulation of a prohibited sexual act is under the age
14 of ²**【16】** 18², the actor shall be strictly liable and it shall not be a
15 defense that the actor did not know that the child was under the age
16 of ²**【16】** 18², nor shall it be a defense that the actor believed that
17 the child was ²**【16】** 18² years of age or older, even if such a
18 mistaken belief was reasonable.

19 (cf: P.L.2001, c.291, s.1)

20

21 ²14. Section 8 of P.L.1968, c.409 (C.2A:156A-8) is amended to
22 read as follows:

23 8. The Attorney General, county prosecutor or a person
24 designated to act for such an official and to perform his duties in
25 and during his actual absence or disability, may authorize, in
26 writing, an ex parte application to a judge designated to receive the
27 same for an order authorizing the interception of a wire, or
28 electronic or oral communication by the investigative or law
29 enforcement officers or agency having responsibility for an
30 investigation when such interception may provide evidence of the
31 commission of the offense of murder, kidnapping, gambling,
32 robbery, bribery, a violation of paragraph (1) or (2) of subsection b.
33 of N.J.S.2C:12-1, a violation of section 3 of P.L.1997, c.353
34 (C.2C:21-4.3), a violation of N.J.S.2C:21-19 punishable by
35 imprisonment for more than one year, a violation of P.L.1994, c.121
36 (C.2C:21-23 et seq.), a violation of sections 1 through 5 of
37 P.L.2002, c.26 (C.2C:38-1 through C.2C:38-5), a violation of
38 N.J.S.2C:33-3, a violation of N.J.S.2C:17-2, a violation of sections
39 1 through 3 of P.L.1983, c.480 (C.2C:17-7 through 2C:17-9), a
40 violation of N.J.S.2C:12-3 (terroristic threats), violations of
41 N.J.S.2C:35-3, N.J.S.2C:35-4 and N.J.S.2C:35-5, violations of
42 sections 112 through 116, inclusive, of the "Casino Control Act,"
43 P.L.1977, c.110 (C.5:12-112 through 5:12-116), a violation of
44 section 1 of P.L.2005, c.77 (C.2C:13-8), a violation of N.J.S.2C:34-
45 1 punishable by imprisonment for more than one year, arson,
46 burglary, theft and related offenses punishable by imprisonment for
47 more than one year, endangering the welfare of a child pursuant to

1 N.J.S.2C:24-4, escape, forgery and fraudulent practices punishable
2 by imprisonment for more than one year, alteration of motor vehicle
3 identification numbers, unlawful manufacture, purchase, use, or
4 transfer of firearms, unlawful possession or use of destructive
5 devices or explosives, weapons training for illegal activities
6 pursuant to section 1 of P.L.1983, c.229 (C.2C:39-14), racketeering
7 or a violation of subsection g. of N.J.S.2C:5-2, leader of organized
8 crime, organized criminal activity directed toward the unlawful
9 transportation, storage, disposal, discharge, release, abandonment or
10 disposition of any harmful, hazardous, toxic, destructive, or
11 polluting substance, or any conspiracy to commit any of the
12 foregoing offenses or which may provide evidence aiding in the
13 apprehension of the perpetrator or perpetrators of any of the
14 foregoing offenses.²
15 (cf: P.L.2002, c.26, s.6)
16

17 ²15. Section 1 of P.L.1994, c.144 (C.2A:162-12) is amended to
18 read as follows:

19 1. a. As used in this section:

20 "Crime with bail restrictions" means a crime of the first or
21 second degree charged under any of the following sections:

- | | | |
|----|--|---|
| 22 | (1) Murder | 2C:11-3. |
| 23 | (2) Manslaughter | 2C:11-4. |
| 24 | (3) Kidnapping | 2C:13-1. |
| 25 | (4) Sexual Assault | 2C:14-2. |
| 26 | (5) Robbery | 2C:15-1. |
| 27 | (6) Carjacking | P.L.1993, c.221, s.1 (C.2C:15-2). |
| 28 | (7) Arson and Related Offenses | 2C:17-1. |
| 29 | (8) Causing or Risking Widespread | |
| 30 | Injury or Damage | 2C:17-2. |
| 31 | (9) Burglary | 2C:18-2. |
| 32 | (10) Theft by Extortion | 2C:20-5. |
| 33 | (11) Endangering the Welfare of Children | 2C:24-4. |
| 34 | (12) Resisting Arrest; Eluding Officer | 2C:29-2. |
| 35 | (13) Escape | 2C:29-5. |
| 36 | (14) Corrupting or Influencing a Jury | 2C:29-8. |
| 37 | (15) Possession of Weapons for Unlawful Purposes | 2C:39-4. |
| 38 | (16) Weapons Training for Illegal Activities | |
| 39 | | P.L.1983, c.229, s.1 (C.2C:39-14). |
| 40 | (17) Soliciting or Recruiting Gang Members | |
| 41 | | P.L.1999, c.160, s.1 (C.2C:33-28). |
| 42 | <u>(18) Human Trafficking</u> | <u>P.L.2005, c.77, s.1 (C.2C:13-8).</u> |

43 "Crime with bail restrictions" also includes any first or second
44 degree drug-related crimes under chapter 35 of Title 2C of the New
45 Jersey Statutes and any first or second degree racketeering crimes
46 under chapter 41 of Title 2C of the New Jersey Statutes.

47 "Crime with bail restrictions" also includes any crime or offense
48 involving domestic violence, as defined in subsection a. of section 3

1 of P.L.1991, c.261 (C.2C:25-19), where the defendant was subject
2 to a temporary or permanent restraining order issued pursuant to the
3 provisions of the "Prevention of Domestic Violence Act of 1991,"
4 P.L.1991, c.261 (C.2C:25-17 et al.) and is charged with a crime
5 committed against a person protected under the order or where the
6 defendant is charged with contempt pursuant to N.J.S.2C:29-9.

7 b. Subject to the provisions of subsection c. of this section, a
8 person charged with a crime with bail restrictions may post the
9 required amount of bail only in the form of:

10 (1) Full cash;

11 (2) A surety bond executed by a corporation authorized under
12 chapter 31 of Title 17 of the Revised Statutes; or

13 (3) A bail bond secured by real property situated in this State
14 with an unencumbered equity equal to the amount of bail
15 undertaken plus \$20,000.

16 c. There shall be a presumption in favor of the court
17 designating the posting of full United States currency cash bail to
18 the exclusion of other forms of bail when a defendant is charged
19 with an offense as set forth in subsection a. of this section and:

20 (1) has two other indictable cases pending at the time of the
21 arrest; or

22 (2) has two prior convictions for a first or second degree crime
23 or for a violation of section 1 of P.L.1987, c.101 (C.2C:35-7) or any
24 combination thereof; or

25 (3) has one prior conviction for murder, aggravated
26 manslaughter, aggravated sexual assault, kidnapping or bail
27 jumping; or

28 (4) was on parole at the time of the arrest; or

29 (5) was subject to a temporary or permanent restraining order
30 issued pursuant to the provisions of the "Prevention of Domestic
31 Violence Act of 1991," P.L.1991, c.261 (C.2C:25-17 et al.), was
32 charged with a crime committed against a person protected under
33 that order, including a charge of contempt pursuant to N.J.S.2C:29-
34 9, and either: (a) is charged with commission of a domestic violence
35 crime that resulted in serious bodily injury to the victim; or (b) has
36 at least one prior conviction for a crime or offense involving
37 domestic violence against the same victim or has previously
38 violated a final restraining order protecting the same victim,

39 unless the court finds on the record that another form of bail
40 authorized in subsection b. of this section will ensure the
41 defendant's presence in court when required.

42 d. When bail is posted in the form of a bail bond secured by
43 real property, the owner of the real property, whether the person is
44 admitted to bail or a surety, shall also file an affidavit containing:

45 (1) A legal description of the real property;

46 (2) A description of each encumbrance on the real property;

1 (3) The market value of the unencumbered equity owned by the
2 affiant as determined in a full appraisal conducted by an appraiser
3 licensed by the State of New Jersey; and

4 (4) A statement that the affiant is the sole owner of the
5 unencumbered equity.

6 e. Nothing herein is intended to preclude a court from releasing
7 a person on the person's own recognizance when the court
8 determines that such person is deserving.²

9 (cf: P.L.2011, c.138, s.1)

10
11 ²**[14.] 16.**² Section 1 of P.L.1985, c.126 (C.2A:84A-32.4) is
12 amended to read as follows:

13 1. a. In prosecutions for aggravated sexual assault, sexual
14 assault, aggravated criminal sexual contact, criminal sexual contact,
15 **[or] human trafficking involving sexual activity**, child abuse, or in
16 any action alleging an abused or neglected child under P.L.1974,
17 c.119 (C.9:6-8.21 et seq.), the court may, on motion and after
18 conducting a hearing in camera, order the taking of the testimony of
19 a witness on closed circuit television at the trial, out of the view of
20 the jury, defendant, or spectators upon making findings as provided
21 in subsection b. of this section.

22 b. An order under this section may be made only if the court
23 finds that the witness is 16 years of age or younger and that there is
24 a substantial likelihood that the witness would suffer severe
25 emotional or mental distress if required to testify in open court.
26 The order shall be specific as to whether the witness will testify
27 outside the presence of spectators, the defendant, the jury, or all of
28 them and shall be based on specific findings relating to the impact
29 of the presence of each.

30 c. A motion seeking closed circuit testimony under subsection
31 a. of this section may be filed by:

32 (1) The victim or witness or the victim's or witness's attorney,
33 parent or legal guardian;

34 (2) The prosecutor;

35 (3) The defendant or the defendant's counsel; or

36 (4) The trial judge on the judge's own motion.

37 d. The defendant's counsel shall be present at the taking of
38 testimony in camera. If the defendant is not present, he and his
39 attorney shall be able to confer privately with each other during the
40 testimony by a separate audio system.

41 e. If testimony is taken on closed circuit television pursuant to
42 the provisions of this act, a stenographic recording of that testimony
43 shall also be required. A typewritten transcript of that testimony
44 shall be included in the record on appeal. The closed circuit
45 testimony itself shall not constitute part of the record on appeal
46 except on motion for good cause shown.

47 (cf: P.L.1985, c.126, s.1)

1 ²**[15.] 17.**² N.J.S.2C:14-7 is amended to read as follows:

2 2C:14-7. a. In prosecutions for aggravated sexual assault, sexual
3 assault, aggravated criminal sexual contact, criminal sexual contact,
4 human trafficking involving sexual activity, endangering the
5 welfare of a child in violation of N.J.S.2C:24-4, or the fourth degree
6 crime of lewdness in violation of subsection b. of N.J.S.2C:14-4,
7 evidence of the victim's previous sexual conduct shall not be
8 admitted nor reference made to it in the presence of the jury except
9 as provided in this section. When the defendant seeks to admit such
10 evidence for any purpose, the defendant must apply for an order of
11 the court before the trial or preliminary hearing, except that the
12 court may allow the motion to be made during trial if the court
13 determines that the evidence is newly discovered and could not
14 have been obtained earlier through the exercise of due diligence.
15 After the application is made, the court shall conduct a hearing in
16 camera to determine the admissibility of the evidence. If the court
17 finds that evidence offered by the defendant regarding the sexual
18 conduct of the victim is relevant and highly material and meets the
19 requirements of subsections c. and d. of this section and that the
20 probative value of the evidence offered substantially outweighs its
21 collateral nature or the probability that its admission will create
22 undue prejudice, confusion of the issues, or unwarranted invasion of
23 the privacy of the victim, the court shall enter an order setting forth
24 with specificity what evidence may be introduced and the nature of
25 the questions which shall be permitted, and the reasons why the
26 court finds that such evidence satisfies the standards contained in
27 this section. The defendant may then offer evidence under the order
28 of the court.

29 b. In the absence of clear and convincing proof to the contrary,
30 evidence of the victim's sexual conduct occurring more than one
31 year before the date of the offense charged is presumed to be
32 inadmissible under this section.

33 c. Evidence of previous sexual conduct with persons other than
34 the defendant which is offered by any lay or expert witness shall not
35 be considered relevant unless it is material to proving the source of
36 semen, pregnancy or disease.

37 d. Evidence of the victim's previous sexual conduct with the
38 defendant shall be considered relevant if it is probative of whether a
39 reasonable person, knowing what the defendant knew at the time of
40 the alleged offense, would have believed that the alleged victim
41 freely and affirmatively permitted the sexual behavior complained
42 of.

43 e. Evidence of the manner in which the victim was dressed at
44 the time an offense was committed shall not be admitted unless
45 such evidence is determined by the court to be relevant and
46 admissible in the interest of justice, after an offer of proof by the
47 proponent of such evidence outside the hearing of the jury or at
48 such hearing as the court may require, and a statement by the court

1 of its findings of fact essential to its determination. A statement by
2 the court of its findings shall also be included in the record.

3 f. For the purposes of this section, "sexual conduct" shall mean
4 any conduct or behavior relating to sexual activities of the victim,
5 including but not limited to previous or subsequent experience of
6 sexual penetration or sexual contact, use of contraceptives, sexual
7 activities reflected in gynecological records, living arrangement and
8 life style.

9 (cf: P.L.1995, c.237, s.1)

11 ²[16.] 18.² (New section) ³[a.]³ The Attorney General shall, in
12 consultation with the Commission on Human Trafficking
13 established by section 1 of P.L. , c. (C.) (pending before the
14 Legislature as this bill), ³[establish and maintain] coordinate³ the
15 ³[participation of the State ¹[with either an existing] in] State's
16 involvement with³ the¹ national, 24-hour toll-free hotline telephone
17 service on human trafficking that is operating ¹[on or after the
18 effective date of this section or any federally required hotline
19 telephone service] pursuant to the National Human Trafficking
20 Hotline, Training, and Technical Assistance Program authorized by
21 22 U.S.C. ss.7104(b) and 7105(b)(1)(B), 8 U.S.C. s.1522(c)(1)(A),
22 or any successor federal law¹ ³[, and shall take appropriate action
23 to publicize the service]³.

24 ³[b. ¹[Unless otherwise established by a federally required
25 hotline telephone service under federal law, the hotline selected by
26 the] The¹ Attorney General, in consultation with the commission,
27 ¹[shall be capable of receiving information from members of the
28 public who have knowledge of or who believe that an act of human
29 trafficking in violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is
30 being or has been committed. The hotline service]¹ shall also ¹[be
31 capable of] require that any State hotline telephone number
32 established before, on, or after the effective date of this section for¹
33 receiving ¹[and] information from members of the public who have
34 knowledge of or who believe that an act of human trafficking in
35 violation of section 1 of P.L.2005, c.77 (C.2C:13-8) is being or has
36 been committed or for¹ responding to requests for information from
37 members of the public concerning human trafficking ¹be directly
38 linked to the national, 24-hour toll-free hotline telephone service
39 described in subsection a. of this section, so that any telephone call
40 to the State number is immediately and directly forwarded to that
41 national telephone service¹.

42 c. The Attorney General shall ¹, in consultation with the
43 commission, and¹ pursuant to any funds appropriated or otherwise
44 made available, establish an educational and public information
45 program concerning the crime of human trafficking set out in
46 section 1 of P.L.2005, c.77 (C.2C:13-8).]³

1 ²**[17.]** 19.² (New section) a. ²**[(1)]**² The ²Police Training
 2 Commission, in consultation with the² Attorney General and the
 3 Director of the Division of Criminal Justice in the Department of
 4 Law and Public Safety ^{2,2} shall develop and approve ²**[a training**
 5 **course and curriculum]** , as part of the police training courses
 6 required pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.), courses
 7 of study² on the handling, response procedures, investigation, and
 8 prosecution of human trafficking cases ²**[for law enforcement**
 9 **agencies]**². ²**[This training course]** These courses² shall be
 10 reviewed at least every two years and modified ²**[by the Attorney**
 11 **General and Director of the Division of Criminal Justice]**² from
 12 time to time as need may require.

13 ²**[(2)** The Attorney General shall be responsible for ensuring that
 14 all law enforcement officers attend initial training within 90 days of
 15 appointment or transfer and annual inservice training of at least four
 16 hours as described in this section.

17 (3) The Division of Criminal Justice shall distribute the training
 18 materials and curriculum to all State, county, and local law
 19 enforcement agencies.²

20 b. (1) The ²**[Division of Criminal Justice]** Department of
 21 Community Affairs², in consultation with the ¹Commission on
 22 Human Trafficking established by section 1 of P.L. , c. (C.)
 23 (pending before the Legislature as this bill) ²**[and the**¹ Department
 24 of Community Affairs²], shall develop ²**[and]** ,² approve ², and
 25 provide for² a ¹one-time¹ training course on the handling and
 26 response procedures of suspected human trafficking activities for
 27 owners, operators, and staff of hotels and motels as defined in the
 28 "Hotel and Multiple Dwelling Law," P.L.1967, c.76 (C.55:13A-1 et
 29 seq.) ²; or alternatively, the department, in consultation with the
 30 commission, shall approve ⁵**[for use]**⁵ a substantially similar one-
 31 time training course ⁵**[provided by a recognized Statewide**
 32 **nonprofit hotel or other multiple dwelling trade association with**
 33 **demonstrated experience]** for use by hotels and motels⁵ in
 34 providing ⁵**[course offerings]** training⁵ to owners, operators, and
 35 staff ⁵**[on similar workplace matters]**⁵. ¹The ²**[Division of**
 36 **Criminal Justice]** department² , in consultation with the
 37 commission ⁵**[and the approved nonprofit course provider, if**
 38 **any]**⁵ , shall define by regulation which staff positions are
 39 required, as a condition of employment, to attend the one-time
 40 training course.¹ ²**[This]** Verifiable completion of the training
 41 course by required staff shall be a condition of issuance,
 42 maintenance, or renewal of any license, permit, certificate, or
 43 approval required, permitted to be granted, or issued to owners or
 44 operators under the provisions of the "Hotel and Multiple Dwelling
 45 Law," P.L.1967, c.76 (C.55:13A-1 et seq.). The² training course

1 shall be reviewed at least every two years and modified by the
 2 ²【Division of Criminal Justice】 department², in consultation with
 3 the ¹commission ⁵【and the¹ ²【Department of Community Affairs】
 4 approved nonprofit course provider, if any²】⁵, from time to time as
 5 need may require.

6 (2) The Department of Community Affairs ², through its
 7 oversight and enforcement authority provided under the “Hotel and
 8 Multiple Dwelling Law,” P.L.1967, c.76 (C.55:13A-1 et seq.),²
 9 shall be responsible for ensuring that all hotel and motel owners,
 10 operators, and ¹required¹ staff attend ¹【initial】 the one-time¹
 11 training ¹course¹ within ¹【90 days】 one year¹ of ¹the¹ enactment of
 12 this section ¹【, and annual inservice training of at least four hours
 13 as described in this section】 in the case of all current owners,
 14 operators, and required staff engaging in their respective profession
 15 on the effective date of this section, and within six months of the
 16 first day of ownership, operation, or employment for all new
 17 owners, operators, and required staff who initially engage in their
 18 respective profession on a date that follows the effective date¹.
 19 ⁵【²If an approved nonprofit course provider is involved in
 20 providing the one-time training course to new owners, operators,
 21 and staff who initially engage in their respective profession on a
 22 date that follows the effective date of this section, then the
 23 nonprofit course provider shall provide the training course at least
 24 once every six months in order for these persons to meet the six-
 25 month training deadline established by this paragraph.²】⁵

26 (3) The ²【¹commission, in coordination with the¹】² Department
 27 of Community Affairs ²【¹,¹】² shall ¹make available ²【and¹
 28 distribute】² the training materials ¹【and curriculum】 for the one-
 29 time training course¹ to ¹【all hotels and motels in the State】 hotel
 30 and motel owners, operators, and required staff ⁵【², or to the
 31 approved nonprofit course provider, if any,²】⁵ in order for ²【these
 32 persons】 the owners, operators, and required staff² to fulfill the
 33 one-time training requirement set forth in this subsection¹.

34 c. (1) The ²【Division of Criminal Justice】 Department of
 35 Health², in consultation with the ¹Commission on Human
 36 Trafficking established by section 1 of P.L. _____, c. _____
 37 (pending before the Legislature as this bill) ²【and the¹ Department
 38 of Human Services】², shall develop ²【and】 ² approve ², and
 39 provide for² a ¹one-time¹ training course on the handling and
 40 response procedures of suspected human trafficking activities for
 41 employees of every licensed health care facility as defined in
 42 section 2 of P.L.1971, c.136 (C.26:2H-2), including those
 43 professionals whose professional practice is regulated pursuant to
 44 Title 45 of the Revised Statutes ²; or alternatively, the department,
 45 in consultation with the commission, shall approve for use a

1 substantially similar one-time training course provided by a
 2 recognized Statewide nonprofit healthcare trade association with
 3 demonstrated experience in providing course offerings to health
 4 care facility employees on similar workplace matters². ¹The
 5 ²**【Division of Criminal Justice】 department**², in consultation with
 6 the commission ²and the approved nonprofit course provider, if
 7 any², shall define by regulation which employees are required, as a
 8 condition of their employment, to attend the one-time training
 9 course.¹ ²**【This】 Verifiable completion of the training course by**
 10 required employees shall be a condition of issuance, maintenance,
 11 or renewal of any license, permit, certificate, or approval required,
 12 permitted to be granted, or issued to licensed health care facilities
 13 under the provisions of P.L.1971, c.136 (C.26:2H-1 et al.). The²
 14 training course shall be reviewed at least every two years and
 15 modified by the ²**【Division of Criminal Justice】 department**², in
 16 consultation with the ¹commission and the¹ ²**【Department of**
 17 **Human Services】 approved nonprofit course provider, if any**² ¹,
 18 from time to time as need may require¹.

19 (2) The Department of ²**【Human Services】 Health, through its**
 20 oversight and enforcement authority provided under P.L.1971,
 21 c.136 (C.26:2H-1 et al.),² shall be responsible for ensuring that all
 22 ¹required¹ employees of licensed health care facilities attend
 23 ¹**【initial】 the one-time**¹ training ¹course¹ within ¹**【90 days】 one**
 24 year¹ of ¹the¹ enactment of this section ¹**【,** and annual inservice
 25 training of at least four hours as described in this section】 in the
 26 case of all current employees engaging in their respective
 27 profession on the effective date of this section, and within six
 28 months of the first day of employment for all new employees who
 29 initially engage in their respective profession on a date that follows
 30 the effective date¹. ²If an approved nonprofit course provider is
 31 involved in providing the one-time training course to new
 32 employees who initially engage in their respective profession on a
 33 date that follows the effective date of this section, then the
 34 nonprofit course provider shall provide the training course at least
 35 once every six months in order for these employees to meet the six-
 36 month training deadline established by this paragraph.²

37 (3) The ²**【**¹commission, in coordination with the¹**】**² Department
 38 of ²**【Human Services】 Health**² ²**【**¹, ¹**】**² shall ¹make available ²**【and**¹
 39 distribute】² the training materials ¹**【and curriculum】 for the one-**
 40 time training course¹ to ¹**【all licensed health care facilities in the**
 41 **State】 required employees** ², or to the approved nonprofit course
 42 provider, if any,² in order for ²**【these persons】 the required**
 43 employees² to fulfill the one-time training requirement set forth in
 44 this subsection¹.

1 d. (1) The Administrative Office of the Courts shall develop and
2 approve a training course and a curriculum ²【on the handling,
3 investigation, and response procedures and prosecution of human
4 trafficking cases for all】 to raise awareness of² judges and ²【all】²
5 judicial personnel ²on the seriousness of the crime of human
6 trafficking, its impact on human rights and the need to adequately
7 implement anti-trafficking laws, including not only the prosecution
8 and sentencing of defendants charged with human trafficking, but
9 the need to respect and restore rights and needs of victims of human
10 trafficking². This training course shall be reviewed at least every
11 two years and modified by the Administrative Office of the Courts
12 from time to time as need may require.

13 (2) The Administrative Office of the Courts shall ²【be
14 responsible for ensuring that all】 make the training course,
15 curriculum, and supporting materials available to appropriate²
16 judges and judicial personnel ²【attend initial training within 90
17 days of appointment or transfer and annual in-service training of at
18 least four hours as described in this section】 who may be involved
19 with the court-related aspects of human trafficking prosecutions
20 through annual in-service judicial training programs or other
21 means².

22 e. ²【The Division of Criminal Justice, the Department of
23 Community Affairs, the Department of Human Services, and the
24 Administrative Office of the Courts shall provide that all training on
25 the handling of human trafficking cases shall include information
26 concerning the impact of human trafficking on society, the statutory
27 and case law concerning human trafficking, policies and procedures
28 as promulgated or ordered by the Attorney General, the Department
29 of Community Affairs, the Department of Human Services, or the
30 Supreme Court, or the federal government and the use of available
31 community resources, support services, sanctions, and treatment
32 options for victims of human trafficking】 Pursuant to section 2 of
33 P.L. , c. (C.) (pending before the Legislature as this bill),
34 the Attorney General, in consultation with the Commission on
35 Human Trafficking established by section 1 of P.L. , c. (C.)
36 (pending before the Legislature as this bill), may provide for the
37 expenditures of monies from the “Human Trafficking Survivor’s
38 Assistance Fund” to assist with the development, maintenance,
39 revision, and distribution of training course materials for the
40 courses developed in accordance with this section^{2 3}, and the
41 operation of these training courses³.

42
43 ²【18.】 20.² Section 9 of P.L.1985, c.404 (C.52:4B-47) is
44 amended to read as follows:

45 9. a. The curriculum for police training courses required
46 pursuant to P.L.1961, c.56 (C.52:17B-66 et seq.) shall include

1 training on responding to the needs of crime victims, and specific
2 training on responding to the needs of victims of human trafficking
3 as defined in section 1 of P.L.2005, c.77 (C.2C:13-8), and on
4 services available to provide assistance, including information on
5 federal, State, and local hotlines available to receive reports of and
6 provide assistance to victims of human trafficking.

7 b. In-service training shall be made available for police
8 officers, assistant prosecutors, county detectives and investigators
9 on specialized needs of crime victims and available services.

10 (cf: P.L.1985, c.404, s.9)

11
12 ²~~19.~~ 21.² (New section) ²~~a.~~² An applicant for licensure as a
13 massage and bodywork therapist or registration as an employer
14 offering massage and bodywork therapies under P.L.1999, c.19
15 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)
16 ²~~shall not be eligible for licensure or registration, as the case may~~
17 ~~be~~², and any holder of a license or registration under P.L.1999,
18 c.19 (C.45:11-53 et seq.) and P.L.2007, c.337 (C.45:11-68 et seq.)
19 shall ²~~have his license or registration revoked if the New Jersey~~
20 ~~Board of Massage and Bodywork Therapy determines~~², consistent
21 with ²~~subsection f. of~~² section 8 of P.L.1978, c.73 (C.45:1-21)
22 ²~~and supporting regulations by the New Jersey Board of Massage~~
23 ~~and Bodywork Therapy~~², ²~~that~~ be subject to a² criminal history
24 record ²~~information exists on file in the Federal Bureau of~~
25 ~~Investigation, Identification Division, or in the State Bureau of~~
26 ~~Identification in the Division of State Police, which may disqualify~~
27 ~~that individual from being licensed or registered~~ background
28 check, which may, consistent with that applicable law, result in a
29 refusal to issue a license or certificate, or suspension or revocation
30 of an existing license or certificate².

31 ²~~b.~~ An applicant and holder of a license or registration who is
32 required to undergo a criminal history record background check
33 pursuant to subsection a. of this section shall submit to the board his
34 name, address, and fingerprints taken on standard fingerprint cards
35 by a State or municipal law enforcement agency or by a private
36 entity under contract with the State. The board is authorized to
37 exchange fingerprint data with and receive criminal history record
38 information from the Federal Bureau of Investigation and the
39 Division of State Police for use in making the determinations
40 required pursuant to this section.

41 c. Upon receipt of the criminal history record information for a
42 person from the Federal Bureau of Investigation or the Division of
43 State Police, the board shall notify the applicant, licensee, or
44 registered individual, as applicable, in writing, of the person's
45 qualification or disqualification for licensure or registration under
46 this section.

- 1 d. If an applicant, licensee, or registered individual refuses to
2 consent to, or cooperate in, the securing of a criminal history record
3 background check, the board shall not issue a license or registration,
4 as the case may be, or other authorization to the applicant, licensee,
5 or registered individual.
- 6 e. All costs associated with performing the criminal history
7 record background check required by this section shall be borne by
8 the applicant for licensure or registration or the holder of any
9 license or registration.
- 10 f. The New Jersey Board of Massage and Bodywork Therapy,
11 pursuant to the “Administrative Procedure Act,” P.L.1968, c.410
12 (C.52:14B-1 et seq.), shall adopt rules and regulations to effectuate
13 the purposes of this section.】²
14
- 15 ²【20.】 22.² Sections 1 and 2 of this act shall take effect
16 immediately, and the remaining sections shall take effect on the
17 first day of the second month next following the date of enactment,
18 but the Attorney General, Commissioner of Community Affairs,
19 Commissioner of ²【Human Services】 Health², the Director of the
20 Administrative Office of the Courts, and the New Jersey Board of
21 Massage and Bodywork Therapy may take any anticipatory
22 administrative action in advance thereof as shall be necessary for
23 the implementation of this act.